

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 5, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3774 by Leach (Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB3774, As Introduced : a negative impact of (\$1,770,385) through the biennium ending August 31, 2023.

The Office of Court Administration is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	(\$852,097)
2023	(\$918,288)
2024	(\$918,288)
2025	(\$918,288)
2026	(\$918,288)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1
2022	(\$852,097)
2023	(\$918,288)
2024	(\$918,288)
2025	(\$918,288)
2026	(\$918,288)

Fiscal Analysis

The bill would amend the Government Code to create the 478th Judicial District in Bell County, the 480th Judicial District of Williamson County, the 481st Judicial District in Denton County, and the Criminal Judicial

District No. 5 of Tarrant County.

The bill would amend the Government Code to create Probate Court Number 2 of Denton County, to give County Court at Law 2 of Denton County jurisdiction over all civil causes and proceedings, regardless of amount in controversy for eminent domain, for statutory courts and direct and inverse condemnation cases. The bill would also create the County Court at Law No. 5 of Williamson County.

The bill would amend the Code of Criminal Procedure to prohibit a judge or justice from accepting a plea of guilty or nolo contendere unless the defendant appears mentally competent, and the plea is free and voluntary.

The bill would amend the Family Code to require the clerk of court to send certain transferred documents through the electronic filing system when the transfer is ordered by a court. The bill would require the Office of Court Administration (OCA) to adopt rules setting out which documents are to be transferred and to develop a standardized transfer certificate and index of transferred documents form.

The bill would amend the Code of Criminal Procedure to allow a habeas corpus applicant to serve a copy of the application for writ of habeas corpus to the state attorney by secure electronic mail the attorney has on file with the electronic filing system or another form of secure electronic transmission.

The bill would amend Sec the Civil Practice and Remedies Code to require the citation for receivership to be published on the public information internet website maintained by OCA, except as provided by Section 17.032.

The bill would amend the Code of Criminal Procedure to require the Forensic Science Commission to adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article, publish the code of professional responsibility, adopt rules establishing sanctions for code violations update the code of professional responsibility, as necessary.

The bill would require the commission to investigate any allegation of professional negligence or misconduct that would affect the integrity of an examination or test conducted by a crime laboratory and a forensic examination or test not subject to accreditation or testimony related to an analysis, examination, or test.

The bill would amend the Government Code to give a juror an option to direct the county treasurer to donate a specified amount of a person's daily jury reimbursement to a veterans court treatment program or a veterans county service office.

The bill would amend the Government Code to permit a judge or magistrate of a district court or statutory county court authorized to hear criminal cases to be appointed to preside over a regional specialty court program if approved by the local administrative district and statutory county court judges of each county participating in the program or another approval method selected by the judges and the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.

The bill would amend the Government Code to allow a veterans treatment court program to transfer responsibility for supervising the defendant's participation in the program to an adjacent county where the defendant works or resides and allows a court to place the defendant in a veterans treatment court program located in a county adjacent to the county where the defendant works or resides, if the county where the defendant is charged does not operate a veterans treatment court program.

The bill would amend the Government Code to clarify and add protective orders that must be included in the protective order registry maintained by OCA to include those issued by a court in this state under Chapter 83 or 85, Family Code under Subchapter A, Chapter 7B, Code of Criminal Procedure. The bill would require clerks to remove from the registry protective orders that have been vacated.

The bill would take effect September 1, 2021.

Methodology

Costs reflected in the table above are based on the analysis provided by OCA.

Biennial costs for the bill include salaries for four district judges and related benefit costs, salary reimbursement for the statutory probate court judge, salary reimbursement for a statutory county court judge, as well as costs associated for four visiting judges for the newly created district courts. Personnel costs are based on the current base salary for a district judge as set forth in the General Appropriations Act, Article IV. The state contributes \$40,000 per year for each statutory probate court and 60 percent of a district judge's base pay of \$140,000 (\$84,000) for a county court at law judge. Fiscal year 2022 is prorated for eight months due to the court creation date falling on January 1, 2022.

This analysis assumes that (1) salary costs for these positions would total \$513,333 in fiscal year 2022 and \$560,000 each subsequent fiscal year; (2) operating and payroll related benefit costs would total \$338,764 in fiscal year 2022 and \$358,288 in each subsequent fiscal year; and (3) local governments would pay other operating costs associated with a district court, county court at law, and statutory probate court.

Based on information provided by OCA, this analysis also assumes that the remaining duties and responsibilities assigned to OCA and the Forensic Science Commission to implement the provisions of the bill could be accomplished utilizing existing resources.

Local Government Impact

According to the Office of Court Administration there may be a fiscal impact to local units of government due to necessary operating costs associated with district courts and county courts at law, such as office space, computer equipment, furniture, and court staff.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH, AF