

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 25, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4293 by Hinojosa (Relating to the creation of a court reminder program for criminal defendants.),
As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for HB4293, As Passed 2nd House :
a negative impact of (\$121,852) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill. The Office of Court Administration of the Texas Judicial System is required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the office may, but is not required to, implement a provision of the bill using other appropriations available for that purpose.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	(\$60,926)
2023	(\$60,926)
2024	(\$60,926)
2025	(\$60,926)
2026	(\$60,926)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1
2022	(\$60,926)
2023	(\$60,926)
2024	(\$60,926)
2025	(\$60,926)
2026	(\$60,926)

Fiscal Analysis

The bill would amend the Government Code to require courts with jurisdiction over criminal cases to adopt a court reminder program that allows a county to send a text message to notify criminal defendants of scheduled court appearances.

The bill would require the Office of Court Administration of the Texas Judicial System (OCA) to develop and

make available to counties a court reminder program that allows for such notifications. The bill would establish specific requirements for the court reminder program that OCA develops, including being available to counties at no cost, requiring the consent of the defendant before sending a reminder by text message, identifying defendants who lack access to devices capable of receiving text messages, documenting the number of defendants who failed to appear after being sent one or more text message reminders, and the capability of providing additional information regarding a scheduled court appearance, including the location of the court, available transportation options, and procedures to follow if a person is unable to attend court.

Under the bill's provisions, courts could elect to use the court reminder program developed by OCA or develop a county program that meets the requirements of the bill. The bill would permit OCA or the courts in a county with criminal jurisdiction to partner with municipalities and local law enforcement agencies to allow individuals to whom a peace officer has issued a citation and released to receive text message reminders of scheduled court appearances and criminal defendants in municipal courts to receive text message reminders of scheduled court appearances. Municipalities using OCA's program would have to pay all costs of sending reminders to defendants, including the costs of linking the municipal court database with OCA's program.

The bill would take effect September 1, 2021.

Methodology

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

In fiscal year 2019, the last complete year unaffected by the COVID-19 pandemic, there were 1,233,119 cases that would have been likely to use the court reminder notification system. Because case filings, prior to the COVID-19 pandemic, had been relatively consistent, for the purposes of this analysis it is assumed that fiscal years 2022-2026 would see the same number of cases likely to use the court reminder system.

This analysis assumes that each case would have an average of 4 court settings, which would result in 4,923,476 notifications. It is also assumed that costs would be realized in the amounts of \$18,000 per year to lease a 6-digit vanity short code for the text messages; \$32,926 per year for the text message costs (\$0.0075 x 4,923,476); and \$10,000 per year for cloud storage costs. This analysis also assumes that necessary programming would be accomplished by existing OCA staff.

Local Government Impact

According to Travis County, the bill's provisions would provide a court appearance reminder program for criminal defendants at no additional cost to the county.

The County and District Clerks Association of Texas reports a significant impact. According to the Clerks Association, county and district clerks would provide the Office of Court Administration (OCA) with the defendants' contact information and appearance dates. The Clerks' case management system does not collect such information, and workload or cost increases may be required to collect the data OCA needs to provide the program.

Source Agencies: 212 Office of Court Admin

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