

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 24, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4344 by Jetton (relating to a complaint filed with the State Commission on Judicial Conduct.),
Committee Report 2nd House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB4344, Committee Report 2nd House, Substituted : a negative impact of (\$403,960) 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.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$201,980)
2023	(\$201,980)
2024	(\$201,980)
2025	(\$201,980)
2026	(\$201,980)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$201,980)	2.0
2023	(\$201,980)	2.0
2024	(\$201,980)	2.0
2025	(\$201,980)	2.0
2026	(\$201,980)	2.0

Fiscal Analysis

The bill would require the State Commission on Judicial Conduct (SCJC) staff to notify, brief, and provide details regarding each filed complaint to Commission members. The bill would require commission staff to prepare and file with each member of the Commission a report detailing the investigation of the complaint and recommendations for Commission action regarding the complaint within 120 days of a complaint being filed. The bill would require the Commission to determine any action to be taken regarding the complaint within 90 days of the commission staff filing the report.

The bill would provide that the staff may request an extension of not more than 270 days from the date the

complaint was filed with the agency if extenuating circumstances prevent them from providing an investigation report and recommendation to the Commission before the 120th day following the date the complaint was filed.

The bill would provide that the executive director may request that the chairperson grant an additional 120 days beyond the 270 for the Commission and commission staff to complete the investigation report and recommendations and finalize the complaint. If the chairperson were to grant additional time, the bill would require SCJC to timely inform the legislature of the extension without disclosing any confidential information about the complaint.

The bill would provide that, on notice by any law enforcement agency investigating an action for which a complaint has been filed with SCJC, SCJC may place the complaint file on hold and decline any further investigation that would jeopardize the law enforcement agency's investigation. Under the bill's provisions, SCJC may continue an investigation that would not jeopardize a law enforcement investigation.

The bill would require that, not later than September 1 of each year, the commission staff to prepare and submit to the legislature a report of the total number of complaints SCJC failed to finalize not later than the 270th day following the date the complaint was filed with the agency and the total number of those complaints that the agency declined to further investigate because of a law enforcement agency investigation.

The bill would also require SCJC to prepare a report for the 88th Legislature regarding any statutory changes that would improve the commission's effectiveness, efficiency, and transparency in filing, investigating, and processing any complaint filed with the commission.

The bill would take effect September 1, 2022 and would apply only to complaints filed with SCJC on or after the bill's effective date.

Methodology

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

According to SCJC, the agency does not currently have the responsibility of creating and presenting reports to the Commission. To implement the bill's provisions, agency staff would be required to track cases that are filed on a weekly, or in some cases daily, basis and thereafter timely transfer the cases to the appropriate legal staff member to conduct a preliminary investigation within the 120 day deadline in order to make a recommendation to the Commission.

Based on information provided by SCJC, it is assumed that 2.0 additional staff attorneys would be needed to implement the bill's provisions. Salary costs for these positions would total \$150,000 each year of the 2022-23 biennium and in subsequent years. Operating and payroll related benefit costs would total \$52,355 each year of the 2022-23 biennium and in subsequent years.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 242 Comm On Judicial Conduct

LBB Staff: JMc, SLE, MW, BH