

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 28, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2043 by Bowers (relating to a criminal justice system pretrial and sentencing database established by the Office of Court Administration of the Texas Judicial System.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2043, Committee Report 1st House, Substituted : a negative impact of (\$6,000,000) through the biennium ending August 31, 2025.

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>
2024	(\$4,000,000)
2025	(\$2,000,000)
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2024	(\$4,000,000)
2025	(\$2,000,000)
2026	\$0
2027	\$0
2028	\$0

Fiscal Analysis

The bill would amend the Government Code to require the Office of Court Administration (OCA), with assistance from law enforcement, to establish and maintain a database to collect, compile, and analyze pretrial and sentencing information for each defendant arrested for an offense in Texas. The bill would require OCA to include in the database certain information for each defendant, which the bill deems public information and subject to disclosure under the Texas Public Information Act. The bill would require the clerk of each court with criminal jurisdiction to submit to OCA certain information with respect to defendants arrested for offenses in the preceding month, on a certain form, no later than the fifth day of each month. The bill would

require OCA to publish deidentified pretrial and sentencing data no later than January 1, 2024. The bill would authorize OCA to adopt rules as necessary to implement the provisions of the bill.

Methodology

Costs reflected in the table above are based on the analysis provided by the Office of Court Administration (OCA). This analysis assumes OCA would need to replace its Court Activity Reporting Database, a legacy information technology system that currently only allows for aggregate data collection, to capture the data required by the bill. To address cybersecurity vulnerabilities and to allow courts to report data in real time, the new system would be a vendor hosted, cloud based system. OCA estimates the cost for the new system to be \$6,000,000 in General Revenue in the 2024-25 biennium including \$4,000,000 in fiscal year 2024 and \$2,000,000 in fiscal year 2025.

Based on information provided by the Department of Public Safety, it is assumed any agency costs associated with the bill could be absorbed with existing resources, but may result in the redirection of peace officer resources towards data collection and submission as most of the information required to be submitted under the provisions of the bill is not currently tracked.

Technology

OCA anticipates a cost of \$4,000,000 in fiscal year 2024 and \$2,000,000 in fiscal year 2025 to acquire the necessary information resource technologies to collect, store, and process case level data as required by the bill. This includes the vendor hosted, cloud based system to allow each court to report data, and business intelligence platforms to manipulate the data to answer policy questions by the Judicial Council and the Legislature.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

LBB Staff: JMc, KDw, MW, JPa