

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 8, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2384 by Leach (relating to court administration, including the knowledge, efficiency, training, and transparency requirements for candidates for or holders of judicial offices.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2384, 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 Election Code and the Government Code to add requirements to the process for applying to run for judicial office. The bill would require candidates for the office appellate, district, and county judge who performs judicial functions to include on their application: 1) bar number in Texas and any other state where person is a member of the bar, 2) information regarding certain sanctions and censures, 3) nature of the person's legal practice, and 4) information regarding convictions of certain crimes in the 10 years preceding the date the person would assume judicial office. Under the provisions of the bill, the candidate must provide information regarding briefs and appellate arguments the candidate has presented in the preceding five

years if the candidate has not held judicial office. The bill would require the Secretary of State's Office to prescribe the form to be used.

The bill would require the Supreme Court of Texas (SCOT) to promulgate rules regarding judicial education requirements for judges and a mechanism for removing a judge from office for failure to comply with the education requirements. The bill would also provide certain exemptions from the educational requirements. The bill would clarify that education sections do not affect any funds appropriated to or granted by the Court of Criminal Appeals.

The bill would require the Office of Court Administration (OCA) to report disaggregated performance measures and the annual clearance rate for each appellate court, district court, statutory probate courts, statutory county court and county court in the state.

The bill would also create a specialty certification for attorneys and judges. The bill would entitle a judge who holds any specialty certification to additional compensation if the Legislature would appropriate funding for that purpose.

Methodology

Based on information provided by the OCA, it is assumed that 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 and report disaggregated data. For the purposes of this analysis, it is assumed that General Revenue Funds totaling \$4,000,000 in fiscal year 2024 and \$2,000,000 in fiscal year 2025 would be needed to collect, store, and process case level data as required by the bill. The system would also allow each court to report data and would include business intelligence platforms to manipulate the data.

This analysis assumes costs for the SCOT associated with promulgating rules required by the bill could be absorbed using existing resources. This analysis also assumes costs for the Secretary for State associated with implementing the provisions of the bill could be absorbed using existing resources.

The fiscal implications to the state for additional compensation that would be paid to a judge for holding a specialty certification cannot be determined because the amount of the compensation and the number of judges that would have the certification is unknown.

Technology

General Revenue Funds totaling \$4,000,000 in fiscal year 2024 and \$2,000,000 in fiscal year 2025 would be needed to provide for the new system.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, KDw, MW, JPa