LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 29, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3937** by Johnson, Julie (Relating to a criminal justice system sentencing database established by the Office of Court Administration of the Texas Judicial System.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3937, As Introduced : 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	($4,000,000)
2025	($2,000,000)
2026	$0
2027	$0
2028	$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
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) to create and maintain a database to collect, compile, and analyze data regarding the sentencing of defendants. The bill would require OCA to compile certain data regarding each defendant and would require the clerk of the sentencing court to submit to OCA within a certain timeframe a written record of the data OCA is required to collect. The bill would require OCA to publish de-identified sentencing data from the information in the database on OCA's website in a modern, open, electronic format that is machine-readable and readily accessible by the public, free of charge. The bill would require OCA to update the information on a monthly basis and would require the sentencing data to be searchable by the data elements prescribed for collection in the bill and the county and

circuit in which a court is located. The bill would prohibit the published data from disclosing the name or identifying information of a defendant. The bill would require OCA to submit a report to the Governor and the Legislature regarding the data compiled no later than September 1 of each even-numbered year. The bill would authorize OCA to adopt rules as necessary to implement the provisions of the bill. The bill would require OCA to create the database as soon as practicable after act effectiveness, but would not require a court to submit information to OCA regarding sentencing that occurred before January 1, 2024.

Methodology

Based on information provided by 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 required data. It is assumed that $4,000,000 in fiscal year 2024 and $2,000,000 in fiscal year 2025 in General Revenue would be needed for the new system to address cybersecurity vulnerabilities and to allow courts to report data in near-real time through a cloud-based system.

Technology

General Revenue totaling $4,000,000 in fiscal year 2024 and $2,000,000 in fiscal year 2025 would provide information resource technologies to collect, store, and process case-level data as required by the bill. This would include a vendor-hosted, cloud-based system, Automated Programming Interfaces 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
LBB Staff: JMc, KDw, MW, JPa