

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5277 by Bucy (Relating to public access to criminal proceedings.), **As Introduced**

The fiscal implications of the bill cannot be determined because the number of courts effected by the reporting and teleconferencing requirements and the amount necessary to fund technology upgrades required by the bill is unknown.

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 bill would provide that proceedings, including a proceeding under Article 15.17, and trials in all courts are public. The bill would provide that for each criminal proceeding conducted in Texas, the court must publish certain information on its Internet website as soon as practicable before the proceeding, including the defendant's name, the time and location of the proceeding, the proceeding's purpose, and the way the public may access the proceeding. The bill would permit the court, on motion of a party, to order the proceeding closed in certain circumstances and with certain limitations, and requires the court that closes the proceeding to issue written findings of fact and conclusions of law on the closure.

The bill would require courts that do not have, as of January 1, 2024, the physical capacity to provide sufficient in-person public access to a proceeding, to provide public access by videoconference technology. The bill would outline specific requirements of the technology. The bill would permit any person or the attorney general to file a petition for mandamus or for other equitable relief to enforce the right of access as outlined by the bill, including where the petition must be filed, and what awards may be available in such an action.

Based the analysis of the Office of Court Administration (OCA), it is assumed that costs related to the bills publishing and information access requirements as well as website administration would increase due to docket volumes in an unknown amount. Similarly, it is assumed courts would require additional technology to implement the provisions of the bill; however, the number of courts which currently lack the in-person or teleconferencing capacity required by this bill are unknown.

Local Government Impact

Based on the analysis of OCA, the fiscal implications of the bill cannot be determined because the number of local courts that would require funding for additional staffing and technology upgrades to implement the provisions of the bill are unknown

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

LBB Staff: JMc, DDel, MW, JPa