

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 3, 2025

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1761 by Leach (relating to the discipline of judges by the State Commission on Judicial Conduct, notice of certain reprimands, judicial compensation and related retirement benefits, and the reporting of certain judicial transparency information; authorizing an administrative penalty.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1761, Committee Report 1st House, Substituted: a negative impact of (\$157,805,351) through the biennium ending August 31, 2027.

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>
2026	(\$101,977,146)
2027	(\$55,828,205)
2028	(\$55,828,205)
2029	(\$55,828,205)
2030	(\$55,828,205)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Probable (Cost) from Judicial Fund 573</i>	<i>Probable (Cost) from Other Special State Funds 998</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$101,977,146)	(\$15,070,346)	(\$3,444,839)	5.0
2027	(\$55,828,205)	(\$1,254,921)	(\$286,855)	5.0
2028	(\$55,828,205)	(\$1,254,921)	(\$286,855)	5.0
2029	(\$55,828,205)	(\$1,254,921)	(\$286,855)	5.0
2030	(\$55,828,205)	(\$1,254,921)	(\$286,855)	5.0

Fiscal Analysis

The bill would amend Government Code to add persistent or willful violation of the rules for setting bail under Article 17.15 of the Code of Criminal Procedure and failure to meet deadlines, performance measures, or clearance rate requirements set by statute, administrative rule or binding court order to the definition of willful or persistent misconduct for the purposes of Section 1-a, Article V, Texas Constitution.

The bill would allow the State Commission on Judicial Conduct (SCJC) to impose an administrative penalty

between \$500 and \$10,000 for knowingly filing a false complaint.

The bill would require SCJC to conduct certain preliminary investigations and draft recommendations for commission action as soon as practicable after a complaint has been filed. The bill would shorten the timeframes for investigating and disposing of complaints and allow SCJC to grant an additional extension for disposing of complaints under certain circumstances. The bill would set a seven-year statute of limitations unless SCJC determines good cause exists for investigating the complaint.

The bill would add substance abuse as a cause of judicial incapacity and would revise the process for disposing of complaints alleging judicial incapacity.

The bill would direct the Office of Court Administration (OCA) to establish a judicial directory for use by SCJC to provide notices to judges.

The bill would require the reporting of certain judicial transparency information by district judges and would require OCA to provide administrative support for the collection and dissemination of this information. The bill would require OCA to prepare and submit a report compiling the information to certain offices.

The bill would increase judicial salaries by increasing the annual base salary of a district judge from \$140,000 to \$182,000. By statute, the salaries of many positions in the judiciary, including some prosecutors, are tied to the salary of district court judges. In addition, the retirement pay of elected class officials is tied to the salary of district court judges.

The bill would increase state salary supplements tied to the base pay of a district judge for a chief justice or presiding judge of an appellate court, a business court judge who serves as administrative presiding judge and a local administrative district judge. The bill would prohibit the state salary supplement of a chief justice or presiding judge of an appellate court from counting toward the combined state and county pay. The bill would increase the supplement for local administrative judges by 3 percent for judges serving three to four counties, 5 percent for five to ten counties, and 7 percent for over ten counties. The bill would allow business court judges to receive the maximum county supplement.

The bill would set the standard service retirement annuity for service credited in the elected class as the years of service, multiplied by 2.3 percent of \$140,000. The bill would establish certain limitations on the maximum annuity provided by the state. The bill would modify the manner in which retired judges that resume service as full-time judicial officers may rejoin the JRS 2 retirement plan.

Methodology

Creating a new SCJC administrative penalty for false complaints could result in an increase in revenue; however, the number and timing of any offenses are unknown, so the fiscal impact cannot be estimated.

Based on information provided by SCJC, this analysis assumes SCJC would require \$3,230,933 in General Revenue Funds in fiscal year 2026 and \$656,488 in fiscal year 2027 and 5.0 FTE positions to implement the provisions of the bill. This includes \$2,500,000 for office reconfiguration or move, \$98,480 for a new case management system, \$20,000 court reporter fees, and \$1,268,941 in costs associated with the additional staff including 2.0 Attorney positions, 1.0 Administrative Assistant position, 1.0 Legal Secretary position, and 1.0 Investigator position. Salary, benefit, and payroll contribution costs included in these amounts would total \$593,734 each fiscal year.

Based on information provided by OCA, this analysis assumes OCA would require \$254,006 in General Revenue Funds in fiscal year 2026 and \$88,206 in fiscal year 2027 for the development of a system to collect judicial transparency information.

Based on information provided by the Comptroller of Public Accounts and OCA, the provisions of the bill increasing the base salary of a district judge would require \$51,140,494 in General Revenue Funds each fiscal year including, \$5,471,575 for the justices and judges of the appellate courts, \$453,600 for the Business Courts judges, \$321,360 for the Associate Judge supplement, \$24,197,880 for District Court Judges, \$1,902,172 for Associate Judges, \$46,200 for the State Prosecuting Attorney, \$194,880 for District

Attorneys, \$7,190,400 for Professional Prosecutors, \$161,280 for Felony Prosecutors, \$143,640 for State Prosecutors' longevity pay, \$1,678,320 for the Constitutional County Court Judge Supplement, \$6,526,800 for the Statutory County Court Judge Salary Supplement, \$504,000 for the Statutory Probate Court Judge Salary Supplement, \$84,000 for the 1st and 2nd Multicounty Courts at Law, \$2,222,507 for the County Attorney Supplements, and \$41,880 for Multi-district Litigation Courts.

According to the Employees Retirement System (ERS), the provisions of the bill increasing the salaries of retired judges and certain prosecutors would result in one-time costs to the Judicial Retirement System Plan Two (JRS II) retirement plan of \$65,866,898 in All Funds in fiscal year 2026. According to ERS, those same provisions would also result in an annual increase of \$5,484,793 in All Funds for JRS II.

Technology

These costs include technology impacts of \$254,006 in fiscal year 2026 and \$88,206 in fiscal year 2027 to provide a system for OCA to collect judicial transparency information and technology impacts of \$72,320 in fiscal year 2026 and \$26,160 in fiscal year 2027 for SCJC to acquire a new case management 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, 242 State Commission on Judicial Conduct, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System

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