

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 23, 2025

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1367 by Hughes (Relating to the appointment, duties, and removal of the state prosecuting attorney.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1367, As Introduced: a negative impact of (\$3,986,238) 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>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2026	(\$2,089,523)
2027	(\$1,896,715)
2028	(\$1,896,715)
2029	(\$1,896,715)
2030	(\$1,896,715)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$2,089,523)	11.0
2027	(\$1,896,715)	11.0
2028	(\$1,896,715)	11.0
2029	(\$1,896,715)	11.0
2030	(\$1,896,715)	11.0

Fiscal Analysis

The bill would amend the Government Code to provide that the Supreme Court of Texas, rather than the Court of Criminal Appeals, appoint the State Prosecuting Attorney and would have the power to remove the State Prosecuting Attorneys for good cause.

The bill would give the State Prosecuting Attorney concurrent jurisdiction to represent Texas in district and inferior courts in a criminal case in which the alleged criminal conduct relates to a violation of state election law.

Methodology

Costs reflected in the table above are based on analysis provided by the Office of Court Administration (OCA).

This analysis is modeled after the human trafficking division within the Office of the Attorney General and the Special Prosecution Unit in Walker County as examples of specialized prosecutorial entities. The Special Prosecution Unit assists district and county attorneys with prosecuting crimes arising from within correctional facilities.

Due to the expanded statewide jurisdiction to investigate and prosecute election crimes provided by the provisions of the bill, the Office of the State Prosecuting Attorney (OSPA) would require 11.0 FTEs, including 5.0 attorney positions, 1.0 staff services officer position, 3.0 investigator positions, and 2.0 Legal Assistant Positions. Salary and benefit costs would total \$1,405,734 in General Revenue each fiscal year.

Operating costs, including travel and consumables, would total \$683,789 in fiscal year 2026 and \$490,981 in fiscal year 2027.

According to the OSPA, there may be additional costs for the agency related to the prosecution of election crimes, but would be dependent on the number and complexity of the cases.

Technology

Technology costs include computer equipment and associated licenses for the additional FTEs.

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, WP, DA, NTh