

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 20, 2025

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2878 by Hughes (Relating to the operation and administration of and practices and procedures related to proceedings in the judicial branch of state government, including court security, court documents and arrest warrants, document delivery, juvenile boards, and youth diversion; increasing a criminal penalty; authorizing fees.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2878, As Engrossed: a negative impact of (\$4,104,882) 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	(\$1,794,222)
2027	(\$2,310,660)
2028	(\$2,476,896)
2029	(\$2,602,206)
2030	(\$2,664,862)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Probable Savings/(Cost) from Judicial Fund 573</i>	<i>Probable Savings/(Cost) from Other Special State Funds 998</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$1,794,222)	(\$55,436)	(\$12,588)	5.0
2027	(\$2,310,660)	(\$72,304)	(\$16,418)	9.0
2028	(\$2,476,896)	(\$77,653)	(\$17,633)	9.0
2029	(\$2,602,206)	(\$81,768)	(\$18,567)	10.0
2030	(\$2,664,862)	(\$83,825)	(\$19,034)	10.0

Fiscal Analysis

The bill would amend various chapters of the Government Code as it relates to district courts, statutory county courts, visiting judges, criminal law magistrates, business courts, jurors, and court administration.

The bill would amend the Government Code to create new judicial districts in: Brazoria County, the 490th Judicial Districts to be created on September 1, 2026; Colorado and Lavaca Counties, the 492nd Judicial District to be created on January 1, 2027; Fort Bend County, the 501st and 502nd Judicial Districts to be

created September 1, 2025; Rockwall County, the 503rd Judicial District to be created on September 1, 2025; Ellis County, the 504th Judicial District to be created on September 1, 2025; Comal County, the 511th Judicial District to be created on January 1, 2027; and Williamson County, the 512th Judicial District to be created on September 1, 2025. The bill would rename and revise the composition of the 522nd Judicial District and the 274th Judicial District.

The bill would revise the jurisdiction of the office of the district attorney for the 1st Judicial District and create a new office of the district attorney for the 273rd Judicial District on January 1, 2029.

The bill would increase the amount in controversy limit in civil actions filed in statutory county courts from \$250,000 to \$350,000.

The bill would expand the concurrent jurisdiction of the Atascosa County Court at Law and would provide that the judge of this court would be paid as provided by Government Code Section 25.0005. The bill would revise various provisions governing the Bowie County Court at Law, giving it certain concurrent jurisdiction, setting the official court report's salary, detailing jury composition and deleting a provision specifically detailing the judge's salary. The bill would alter the jurisdiction of the Hidalgo County Courts at Law and the Potter County Courts at Law. The bill would eliminate the eminent domain jurisdiction of a statutory probate court in Montgomery County. The bill would create in Hidalgo County, Probate Court No. 2 on January 1, 2027.

The bill would authorize the presiding judge of the statutory probate courts to assign a former or retired justice of an appellate court to hear certain cases and would permit a former or retired justice of an appellate court to be assigned by the presiding judge to hold court. The bill would provide that a former or retired judge or justice assigned under Section 25.0022 Government Code to a statutory probate court in a county in the Texas-Mexico border region is entitled to compensation equal to the maximum salary a district judge may receive from county and state sources under certain conditions.

The bill would provide that a former or retired judge or justice serving on assignment for an appellate court is entitled to compensation equal to the salary of a court of appeals justice with eight years of service. The bill would provide that a former or retired judge or justice assigned as a judicial mentor is entitled to the same salary, compensation and expenses that the judge or justice would be entitled to if they had been assigned under Chapter 74 to serve as judge of the trial court in the administrative judicial region. The bill would provide that the salary of a former or retired judge or justice assigned to a district court is determined pro rata based on the sum of the regular judge's salary from the county plus the state salary paid to a district judge with eight years of service.

The bill would revise the qualifications to be a master, magistrate, referee, or associate judge. The bill would authorize the Bell County Commissioners Court to select magistrates to serve the courts of Bell County having jurisdiction in criminal matters.

Under the provisions of the bill, a judge of a division of the business court would be entitled to an annual salary supplement from the state in an amount equal to the difference between the judge's annual base salary from the state and the maximum combined base salary from all state and county sources paid to a district judge.

The bill would require the district clerk to prepare a list of certain persons disqualified from serving as a grand juror and send a copy of the list to certain officials. The bill would revise the qualifications to be a juror and the requirements for documenting and transmitting names of persons ineligible to be jurors.

The bill would provide that certain courts may appoint a spoken language interpreter who is not a certified or licensed court interpreter under certain conditions.

The bill would amend the compensation structure for presiding judges of the administrative judicial regions to provide that their salary is based on the number of district courts, business courts, and statutory county courts in the administrative region, the number of associate judges appointed under Chapter 201, Family Code, and the number of retired and former judges named on the list maintained under Section 74.055, Government Code, for the administrative region. The bill amends the term of and process for selecting a district judge as local administrative district judge in a county with two or more district courts.

The bill would require the Office of Court Administration (OCA) to hold an annual leadership conference to provide information to certain judges and court administrators and would authorize OCA to reimburse attendees.

The bill would prohibit a specialty court program from operating unless certain conditions are met.

The bill would amend the compensation structure for a district judge serving as local administrative district judge to provide that the judge's salary is based on the number of district courts in the county. The bill would provide that a judge of a division of the business court who serves as administrative presiding judge is entitled to an annual base salary of a district judge with the same tenure and an additional 7 percent of the annual base salary.

The bill would revise the composition of the juvenile boards of Bee County, Live Oak County, and McMullen County.

The bill would increase the criminal penalty for the offense of harassment from a Class B misdemeanor to a Class A misdemeanor if committed against a court employee. The offense would be increased to a state jail felony if committed against a court employee and the actor has been previously convicted of the offense or committed against a judge, and a third degree felony if committed against a judge and the actor has been previously convicted of the offense.

The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to the lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to increased criminal penalties.

The bill would revise the membership and duties of a court security committee established by a local administrative judge.

Methodology

Costs assumed by this analysis that are reflected in the table above are based on information provided by OCA and the Comptroller of Public Accounts (CPA).

This analysis assumes the cost of eight district judges, one district attorney, one new statutory probate court, related benefit costs, compensation for judicial mentorship, the revision to the local administrative district judge supplement, and the state salary supplement for business court judges. For the purposes of this analysis, judicial and prosecutorial salaries are based on the current annual base salary of a district judge, or \$140,000.

According to CPA, the agency would require \$700,000 in General Revenue in fiscal year 2026 to cover judicial salaries for the five district courts proposed to be established that year. In fiscal year 2027, an additional \$186,667 would be the prorated amount needed for two additional district courts that would be created on January 1, 2027, and an additional \$140,000 for the one district court proposed to be established that year, for a total of \$1,026,667. The agency also anticipates \$10,000 in fiscal year 2026 and \$12,667 in fiscal year 2027 for travel expenses for judges.

In fiscal year 2027, \$56,000 would be the prorated amount needed for the statutory probate court in Hidalgo County that would be created on January 1, 2027.

CPA would require \$143,745 each fiscal year for compensation for the judicial mentorship program, and \$233,800 each fiscal year to provide additional state compensation to local administrative district judges.

CPA indicates that the provisions of the bill that authorize additional compensation to visiting judges serving in the Texas-Mexico border region cannot be estimated because the extent to which exigent circumstances would require visiting judges is unknown.

Under Government Code Ch. 659, a district judge may receive a county-funded salary supplement of up to \$18,000 per fiscal year. This analysis assumes 10.0 business court judges (2.0 per each of five statutorily created courts) would be eligible for the \$18,000 supplement provided under the provisions of the bill,

resulting in an additional \$180,000 in General Revenue per fiscal year.

According to OCA, the agency would require \$158,669 each fiscal year to implement a Court Leadership conference and provide reimbursements to attendees.

Benefits include the 19.25 percent state contribution to the Judicial Retirement System Plan 2 of \$242,077 in fiscal year 2026 and \$315,740 in fiscal year 2027 in All Funds as well as state contributions for the ERS retirement plan, Social Security, and agency payroll contributions for retirement and health insurance of \$193,955 in fiscal year 2026 and \$272,095 in fiscal year 2027 in All Funds.

Local Government Impact

There could be an impact on units of local government associated with the provisions of the bill governing local court functions and operations. Local governments pay the other operating costs associated with a district court, county court at law, and statutory probate court.

While the fiscal impact cannot be determined, increasing the penalty for an existing offense may result in increased demands upon local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 327 Employees Retirement System, 530 Family and Protective Services, Department of

LBB Staff: JMc, KDw, DA, NTh, NV