

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB42 by Zaffirini (Relating to the security of courts and judges in the state; establishing a fee.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB42, As Engrossed: a negative impact of (\$242,196) through the biennium ending August 31, 2019. Additionally, there would be a revenue gain to the General Revenue-Dedicated Judicial and Court Personnel Training Fund 540 of \$10,043,650 through the biennium ending August 31, 2019.

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
2018	(\$121,801)
2019	(\$120,395)
2020	(\$120,695)
2021	(\$120,764)
2022	(\$122,541)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>Jud & Court Training Fd</i> 540	Change in Number of State Employees from FY 2017
2018	(\$121,801)	\$5,021,825	1.0
2019	(\$120,395)	\$5,021,825	1.0
2020	(\$120,695)	\$5,021,825	1.0
2021	(\$120,764)	\$5,021,825	1.0
2022	(\$122,541)	\$5,021,825	1.0

Fiscal Analysis

The bill would make several changes relating to the security of courts and judges. The bill would amend the Government Code to require a sheriff or other law enforcement agency or entity to submit written security incident reports to the Office of Court Administration and would require the local administrative judge, presiding judge in a municipal court of record, and municipal judge in municipal courts not of record to establish a court security committee that would include positions as defined in the bill.

The bill would amend the Government Code to create a \$5 civil filing fee on the filing of any civil action or proceeding requiring a filing fee in a district court, county court, statutory county court, statutory probate court, or justice court. Revenue from this filing fee would be deposited to the credit of the General Revenue-Dedicated Judicial and Court Personnel Training Fund 540. The bill would authorize the Court of Criminal Appeals to grant legal funds to statewide professional associations and other entities that provide training to individuals responsible for providing court security.

The bill would amend the Government Code to require the Office of Court Administration to establish a Judicial Security Division that would serve as a central resource for information on court security and the safety of court personnel, and requires the agency to appoint a director to oversee the division.

The bill would amend the Government Code to define a "court security officer" and to provide for the certification an officer must have within a year to hold that position and requires verification of such certification by the local law enforcement authority with authority for providing court security. The bill would amend the Occupations Code to require the Texas Commission on Law Enforcement to consult the Office of Court Administration to develop a model court security training curriculum and to issue a certificate to each court security officer that completes the training. The bill would amend the Government Code to require any commissioned peace officer to provide personal security to a state judge that has been threatened or attacked.

The bill would take effect on September 1, 2017.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

According to the Office of Court Administration, the establishment of a Judicial Security Division would require one Director-level position (\$80,000 per year with benefits of \$28,096, or \$108,096 for the 2018-19 biennium) with associated consumables, utilities, travel, and information technology resources. Associated costs in addition to the salaries and benefit costs include \$13,075 in fiscal year 2018, \$12,299 in fiscal year 2019, \$14,004 in fiscal year 2020, \$14,073 in fiscal year 2021, and \$17,325 in 2022.

According to the Office of Court Administration and based on historical caseload data, a \$5 civil filing fee in a district court, county court, statutory county court, statutory probate court, or justice court is anticipated to generate \$5,021,825 each fiscal year that would be deposited to the credit of General Revenue-Dedicated Judicial and Court Personnel Training Fund No. 540.

According to the Texas Commission on Law Enforcement and the Department of Public Safety, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. This estimate assumes that any costs associated with implementing the bill for the Texas Ethics Commission could be absorbed within existing resources.

Local Government Impact

According to the Office of Court Administration, local governments may incur costs associated with making security-related improvements to courthouses and security protocols. Entities employing individuals needing court security officer certification may incur costs associated with sending officers to training. County clerks and registrars may incur costs associated with the omission or redaction of personal information from public records. The extent of these potential costs is unknown and may vary among jurisdictions.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 307 Secretary of State, 308 State Auditor's Office, 405 Department of Public Safety, 407 Commission on Law Enforcement, 356 Texas Ethics Commission

LBB Staff: UP, LBO, MW, GDz, AG, SD, GGo