

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 22, 2003**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB1940** by Luna (Relating to longevity pay for assistant prosecutors.), **Committee Report 2nd House, As Amended**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1940, Committee Report 2nd House, As Amended: an impact of \$0 through the biennium ending August 31, 2005.

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
2004	\$0
2005	\$0
2006	\$0
2007	\$0
2008	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain from <i>Felony Prosecutor Supplement Fund</i>	Probable (Cost) from <i>Felony Prosecutor Supplement Fund</i>	Probable Revenue Gain from <i>FAIR DEFENSE 5073</i>	Probable (Cost) from <i>FAIR DEFENSE 5073</i>
2004	\$1,006,000	(\$1,006,000)	\$503,000	(\$503,000)
2005	\$2,164,000	(\$2,164,000)	\$1,082,000	(\$1,082,000)
2006	\$2,134,000	(\$2,134,000)	\$1,067,000	(\$1,067,000)
2007	\$2,103,000	(\$2,103,000)	\$1,051,500	(\$1,051,000)
2008	\$2,074,000	(\$2,074,000)	\$1,037,000	(\$1,037,000)

**Fiscal Analysis**

The bill would amend Government Code, Chapter 41 relating to longevity pay for assistant prosecutors. The bill would create a funding mechanism for assistant prosecutor longevity pay, would create the Felony Prosecutor Supplement Fund, and would impose a new court fee of \$15 on each bail bond, excepting personal and cash bonds. The bill would limit the total fee to no more than \$20 at a time and would provide for the refund of the fee for nonprosecution of the individual

The fee would be collected by a court officer and deposited into the county treasury. Each quarter, the county would remit the revenue, less 10 percent as a collection fee, to the Comptroller for deposit into the Felony Prosecutor Supplement Fund and GR Account 5073— Fair Defense. The Felony Prosecutor Supplement Fund would receive two-thirds of each county remittance; and the remaining

one-third would be deposited to the Fair Defense Account. Money in the fund would be used to pay, by the Comptroller, a longevity supplement to assistant prosecutors upon proper submission of certified documentation by counties. Money in the Fair Defense Account would be distributed in the form of additional grants to counties from the Task Force on Indigent Defense, part of the Office of Court Administration. Any unexpended balance in the fund in excess of \$1.5 million would be transferred to the General Revenue Fund 0001.

This bill would take effect September 1, 2003, except for the longevity pay provision, which would take effect December 1, 2003.

### **Methodology**

Based upon information provided by the Comptroller, estimates were based upon US Department of Justice data relating to bail bonds on felony arrests and Texas Department of Public Safety reports on arrests across the state. State revenue in fiscal year 2004 is adjusted to reflect two quarterly payments.

### **Local Government Impact**

Implementing Section 1 of the bill would provide a positive fiscal impact to local governments. Under the current law counties pay the assistant prosecutors' longevity authorized under Sec. 41.252, Government Code, but the counties are not reimbursed by the state. This bill would require the state to reimburse the counties from the felony prosecutor supplement fund and would provide that the counties are not required to pay longevity that a prosecutor is entitled to if it exceeds the amount available to the counties from the felony prosecutor supplement fund.

Implementing Section 4 of the bill would also provide a positive fiscal impact to local governments. Currently counties receive grants for improved standards and services for indigent defendants from funds in the Fair Defense Account, which is a General Revenue-Dedicated account. Increased revenue to that account under terms of the bill would generate increased grants to counties.

Implementing Section 4 of the bill would also provide for a positive fiscal impact to county governments. Counties would be allowed to retain 10 percent of the funds collected for the Felony Prosecutor Supplement Fund and Fair Defense Account as a handling fee. The Comptroller of Public Accounts, with information from the Texas Department of Public Safety and the Texas Department of Criminal Justice, estimates that in fiscal year 2004, there would be a gain to local governments of \$335,000. In fiscal year 2005, the gain would be \$361,000. In fiscal year 2006, the gain would be \$356,000. In fiscal year 2007, the gain would be \$351,000. In fiscal year 2008, the gain would be \$346,000.

Individual counties would see gains in revenue proportional to the number of bonds issued in the county. In fiscal year 2004, Harris County could see a gain of \$78,614, while Oldham County would see a gain of \$77.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JK, WK, JO, GO, VDS, TB, KG