

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 15, 2003

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2656 by Farabee (Relating to a costs on conviction for indigent defense.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2656, As Introduced: 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/(Loss) from <i>FAIR DEFENSE</i> 5073
2004	\$7,213,090
2005	\$7,213,090
2006	\$7,213,090
2007	\$7,213,090
2008	\$7,213,090

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, Chapter 102 to impose a \$50 court cost on the conviction of felonies and Class A and B misdemeanors. Counties would remit the revenue quarterly, after retaining a 10 percent timely remittance fee, to the Comptroller for deposit into General Revenue Dedicated Account 5073—Fair Defense.

Because the bill would create a dedicated revenue source in the General Revenue Fund, the dedicated revenue would be subject to funds consolidation review by the current Legislature. The bill would take effect immediately if the bill receives the vote of two-thirds the members of each house. Otherwise, the bill would take effect September 1, 2003.

Methodology

According to the Office of Court Administration, there were 457,974 felony and misdemeanor convictions and deferred adjudications in fiscal year 2002 that would have triggered the assessment of court costs. Assuming 35% of the total amount would be collected, the total revenue generated each year from this new fee would be \$8,014,545. Of this amount, the state would receive 90%, or \$7,213,090 per year.

Local Government Impact

Implementation of the bill would result in Texas counties receiving 10 percent of the revenues generated, or approximately \$802,000 per year, at the time of collection. In addition, counties would receive approximately \$7.2 million per year through distributions from the Task Force on Indigent Defense to provide indigent defense services in the county. Pursuant to Section 71.062, Government Code, the Task Force on Indigent Defense provides technical support to assist counties in improving the delivery of their respective indigent defense systems and promotes compliance by the counties with state law related to indigent defense.

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

LBB Staff: JK, WP, WK, VDS, TB, KG