

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 10, 2003

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2712 by Gutierrez (Relating to the provision of intervention or counseling services to certain persons who have committed family violence and to a process for accrediting those services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure regarding persons convicted of offenses involving family violence who may be required to attend battering intervention and prevention programs. If an accredited program, as defined by the Code of Criminal Procedure, is unavailable prior to September 1, 2005, individuals may attend programs in the process of accreditation, or counseling sessions conducted by licensed counselors who have completed family violence intervention training. After September 1, 2005, only accredited programs may be attended. Accreditation guidelines would be designed through a cooperative effort of the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ) and a non-profit organization. All programs applying for accreditation would pay a one-time \$500 fee to CJAD. Additionally, the bill would create a family violence intervention and prevention fee, ranging from \$3-\$15, to be collected by the district clerk at the time a suit for dissolution of a marriage is filed. The district clerk would remit \$3 of each fee to the comptroller for deposit in a battering intervention and prevention account in general revenue to be used for accreditation of programs. The bill would become effective September 1, 2003, and would apply to court orders granting community supervision after that date.

The Community Justice Assistance Division of the Texas Department of Criminal Justice estimates that additional staff would be necessary to accommodate the accreditation process and to monitor compliance of the accredited programs. However, the costs associated with the bill are not anticipated to be significant. Costs would be offset by revenues from accreditation fees and family violence intervention and prevention fees; however, these revenues cannot be estimated.

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. Legislative policy, implemented as Government Code 403.094, consolidated special funds (except those affected by constitutional, federal, or other restrictions) into the General Revenue Fund as of August 31, 1993 and eliminated all applicable statutory revenue dedications as of August 31, 1995. Each subsequent Legislature has reviewed bills that affect funds consolidation. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

The bill could generate revenue for counties, depending on the amount of the family violence intervention and prevention fee set by the commissioners court and the future number of applications for dissolution of marriage. If the court set the fee at \$3 per filed suit for dissolution of marriage, the county would see no revenue, as \$3 of each fee must be forwarded to the Comptroller of Public Accounts. If all the courts in the state set the fee at the maximum of \$15 and if applications for

dissolution of marriage remain steady at fiscal year 2002 levels, it would generate \$1,559,112 for the state's 254 counties. If the fee were set at a midpoint of \$9, it would generate \$779,556. In the following table, estimated revenues from the bill are provided for four counties based on fiscal year 2002 dissolution of marriage applications filed activity.

	Revenues at \$9 level	Revenues at \$15 level
Harris County	\$181,146	\$362,292
Tarrant County	\$62,544	\$125,088
Lubbock County	\$6,348	\$12,696
Kinney County	\$180	\$240

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: JK, GO, VDS, GG, KG