

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 10, 2005

TO: Honorable Carlos Uresti, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB433 by Dutton (Relating to restrictions on the disclosure of certain criminal history records and to the duty of law enforcement agencies regarding records associated with certain defendants; creating an offense.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB433, As Introduced: a positive impact of \$313,434 through the biennium ending August 31, 2007.

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
2006	\$120,352
2007	\$193,082
2008	\$193,082
2009	\$193,082
2010	\$193,082

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND 1</i>	Probable Revenue Gain from <i>GENERAL REVENUE FUND 1</i>	Change in Number of State Employees from FY 2005
2006	(\$419,404)	\$539,756	9.0
2007	(\$346,674)	\$539,756	9.0
2008	(\$346,674)	\$539,756	9.0
2009	(\$346,674)	\$539,756	9.0
2010	(\$346,674)	\$539,756	9.0

Fiscal Analysis

The bill would amend the Government Code to allow persons who have successfully completed community supervision to petition the court that placed them on community supervision for an order prohibiting criminal justice agencies from disclosing criminal history records related to the offense. The bill would require persons petitioning a court for an order of nondisclosure to pay a \$28 fee to the clerk of the court and for the clerk to remit those fees to the Comptroller on a quarterly basis. The bill would also amend the Penal Code to prohibit a person from compiling or disseminating criminal history information that the person knows is the subject of an order of nondisclosure, and provides prescribed penalties for a violation.

Methodology

The Department of Public Safety estimates that additional personnel would be required to maintain nondisclosure orders and provide copies to all law enforcement agencies. There are approximately 1,927,748 arrests in the agency's computerized criminal history (CCH) database in which the defendant was placed on community supervision. It is anticipated, based on the nondisclosure of deferred adjudications, that the agency would receive an order of nondisclosure on approximately one percent (192,774) of the qualified records. The requests are expected to be staggered, with not more than 10% (19,277) received in any given year. The agency would need eight additional error resolution technicians to process these new cases. In addition, one mail clerk would be needed to process the additional mail. The eight additional error resolution technicians and mail clerk would be housed at leased office space at a cost of \$37,179 per year for fiscal years 2006-10. The \$28 fee for nondisclosure petitions would result in \$539,756 in revenue to the General Revenue Fund each year. [19,277 X \$28 = \$539,756]

Technology

The technology impact for fiscal year 2006 is \$26,408. The technology impact for fiscal years 2007-10 is \$1,400 per year, which includes enterprise agreements and software costs.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

LBB Staff: JOB, VDS, SJ, DLBa