LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 3, 2005

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: **HB1418** by Gonzalez Toureilles (Relating to the justice court technology fund and to requiring the assessment of a technology fee on conviction of certain misdemeanor offenses.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would repeal the expiration date that applies to the creation of a justice court technology fund, therefore continuing authorization of a commissioners court to create a justice court technology fund and to require a defendant convicted of a misdemeanor offense in a justice court to pay a technology fee of $4. The bill would also require that a county commissioners court create a justice court technology fund. The fund could be used only for the cost of continuing education and training for justice court judges and clerks regarding technological enhancements for justice courts and for the purchase and maintenance of technological enhancements for the justice courts. The bill would take effect September 1, 2005.

Under current statute, establishment of a justice court technology fund is optional, imposing the $4 cost is also optional, and the fund can be used only for purchasing items for the technological enhancement of the justice courts. Current statute has an expiration date of September 1, 2005.

Local Government Impact

If the expiration date were to remain in place, after September 1, 2005, the counties in which the justice court technology fund already exists would no longer be allowed to impose the court cost and would therefore experience the loss of a revenue source. Implementation of the provisions of the bill would allow the continuation of that revenue source.

By requiring every county to create a justice court technology fund and requiring that the $4 fee be imposed on all defendants convicted of a misdemeanor offense in the justice court, the courts would incur a revenue gain. The amount of revenue generated would vary by county, although the amount would not be significant. For example, in fiscal year 2004, statewide there were over 1.8 million misdemeanor convictions reported in justice courts, according to the Office of Court Administration. If every justice court were to have had a technology fund and were to have imposed the $4 court cost, and assuming a 65 percent collection rate, there would have been an aggregate total of $4.8 million in revenue generated in the 254 counties statewide in fiscal year 2004.

Source Agencies: 304 Comptroller of Public Accounts

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