

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 19, 2005

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

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

IN RE: HB1751 by Pena (Relating to the procedures governing the payment of restitution by criminal defendants.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1751, As Engrossed: an impact of \$0 through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>CRIME VICTIMS COMP ACCT</i> 469
2006	\$3,440,000
2007	\$3,440,000
2008	\$3,440,000
2009	\$3,440,000
2010	\$3,440,000

The bill would amend the Code of Criminal Procedure to make it mandatory for courts to order full restitution to crime victims or to the credit of the Compensation to Victims of Crime (CVC) fund to the extent compensation has been paid. The court may determine not to order restitution if it finds a compelling and extraordinary reason not to order. The bill also would allow a court to assess a \$12 fee for the administration of restitution, to be collected in installments. The bill would take effect September 1, 2005.

Fiscal Analysis

The CVC program currently collects approximately \$750,000 each year in restitution from offenders for payments the program has made to or on behalf of victims. The bill would positively impact the CVC fund by approximately \$2 million per fiscal year from the restitution payments and by approximately \$1,440,000 from the fees assessed for the administration of the restitution.

Methodology

Upon determining the maximum amount of restitution the CVC fund might receive each fiscal year (\$6,835,886), that amount was multiplied by 40 percent to account for a collection rate of 50 percent which was further adjusted by 10 percentage points for applications that involve suspects that are either not charged or that are not found guilty. Therefore, collections of \$6,835,886 was multiplied by the adjusted collection rate of 40 percent, resulting in estimated annual collections of \$2,734,354. Since approximately \$750,000 is currently collected, the net result of \$2 million per fiscal year is projected from restitution from offenders.

Regarding the newly created \$12 fee, \$6 dollars would be deposited to the credit of the CVC fund and the remaining \$6 would go to the courts. Based on information from the Office of Court Administration, 242,146 cases were disposed in district courts in fiscal year 2004. Based on a collection rate of 40 percent and restitution being paid in installments in 75 percent of the cases, it is estimated that the CVC fund would receive \$1,440,000 per fiscal year in additional revenue.

A total of \$3,440,000 per fiscal year in new revenue would be deposited to the CVC fund from both of these sources.

Local Government Impact

The bill would allow a court to assess a \$12 fee for the administration of restitution to be collected in installments. Half of the fee (\$6) would be retained by the court. Using the same collection and payment installment assumptions, statewide, courts could realize an increase of \$1,440,000 in new revenue each year.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts

LBB Staff: JOB, KJG, MS