

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 27, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

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

IN RE: HB1934 by Gonzalez Toureilles (Relating to security fees for justice courts.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Article 102.017, Code of Criminal Procedure, to increase from \$3 to \$4 the amount a defendant convicted of a misdemeanor in a justice court would be required to pay as a court cost. In a county in which one or more justice courts are located in a building other than the courthouse, one-fourth of the fee collected in a justice court (the \$1 increase) would be deposited into a newly created justice court building security fund to fund security services for justice courts not located in the county courthouse. Both the courthouse security fund and the justice court building security fund shall be administered by or under the direction of the commissioners court.

The bill would take effect September 1, 2005.

Under current statute, defendants convicted of a misdemeanor in a justice court, county court, county court at law, and district court are required to pay \$3 as a cost of court. A municipality may also impose a \$3 court cost on misdemeanor defendants convicted in municipal court. The \$3 is placed into either the courthouse security fund or the municipal court building security fund, as appropriate. The proposed change in statute would create a separate fund for security purposes for justice courts not housed in the county courthouse.

Local Government Impact

According to information reported by the Office of Court Administration (OCA) to the Comptroller of Public Accounts, there was an average over the most recent four fiscal years of 1,823,271 misdemeanor convictions per year in justice courts. The OCA assumes a 65 percent collection rate; therefore, at an additional \$1 per misdemeanor conviction in a justice court, there would have been an additional \$1,185,126 ($1,823,271 \times 65$ percent) collected in justice courts statewide.

The positive fiscal impact would vary by county, depending on how many misdemeanor convictions there are in the justice courts. Additionally, only those counties in which the justice court is located outside of the county courthouse would the additional \$1 be deposited into a separate courthouse security fund than the current courthouse security funds.

Source Agencies: 304 Comptroller of Public Accounts

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