

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 8, 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 not housed in a county courthouse.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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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. One-fourth of the fee collected in a justice court (the \$1 increase) that is not located in the county courthouse 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. 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**

For the purposes of this fiscal note, it is assumed that if a county does not have a justice court located outside of the county courthouse that the additional \$1 collected by a justice court would be deposited with the original \$3 into either the county courthouse security fund or the municipal court building security fund, as under existing statute.

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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