

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 19, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB2929 by Smith, Todd (Relating to the payment of fines, court costs, and restitution imposed on a defendant in a criminal case.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Article 42.12, Code of Criminal Procedure to authorize a judge, and, in certain instances, to require a judge to extend community supervision of a defendant who has failed to pay a previously assessed fine, costs, or restitution if the judge determines the extension would increase the likelihood the defendant would fully pay what is owed. A judge would be prohibited from reducing or terminating the period of community supervision early if the defendant has not paid previously assessed fines, costs, or restitution.

Under the provisions of the bill, when restitution is ordered, a court would be authorized to require a defendant to report to an in-house or other collection department to establish an agreement to make restitution.

The bill would take effect September 1, 2005 and would apply only to an offender placed on community supervision on or after that date; therefore, it is anticipated that any fiscal impact to the state would not occur until beyond the initial 5-year period covered by this fiscal analysis.

Local Government Impact

If a judge were to extend an offender's community supervision due to lack of payment of assessed fines, costs, and restitution, the size of the offender population on community supervision would increase. The increase in the number of offenders remaining under supervision beyond the initial period would vary by community supervision and corrections department (CSCD). According to a report by the Community Justice Assistance Division of the Texas Department of Criminal Justice, there were over 266,000 adults on direct community supervision statewide in fiscal year 2004. The cost of supervising misdemeanor offenders whose supervision would be extended would be incurred by the community supervision and corrections departments (CSCD), minus amounts collected in supervision fees from the offenders. It is assumed that the provisions of the bill would not impact felony offenders until at least fiscal year 2011, at which time, the state and the CSCDs would both incur an increase in costs for each felony offender continued on community supervision for nonpayment of fines, costs, and restitution.

The court or the CSCD could also incur costs for establishing and/or operating an in-house collection department.

Source Agencies:

LBB Staff: JOB, KJG, VDS, DLBa