

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 20, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB485 by Van Arsdale (Relating to the collection and amount of restitution authorized to be collected from persons charged with or convicted of certain misdemeanor offenses.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Penal Code to authorize a court to approve collection of restitution for bad checks to be made by a law enforcement agency if a peace officer executes a warrant against the person charged with passing the bad checks.

The bill would amend the Code of Criminal Procedure by raising the limit on the amount of restitution that may be required be paid to a victim of a bad check offense from \$500 to \$5,000.

The bill would apply only to a warrant executed by a peace officer on or after the effective date of the bill, which would be September 1, 2007. The increase in the amount of restitution would apply only to a sentence pronounced on or after the effective date of the bill.

Local Government Impact

The fiscal impact to a local government entity related to collection of restitution for bad checks by a law enforcement agency if an officer with that agency serves a warrant would vary depending on the number of such warrants served in which the agency would collect the restitution, as well as what procedures would be implemented to accomodate this practice. If a court were to approve collection by the law enforcement agency serving the warrant and if the officer were to make those collections, there would be an increase in costs for the officer's time, but a decrease in use of county jails and court time. If the law enforcement agency were to use staff other than the officer serving the warrant to collect the restitution, there may be associated staffing costs.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ES, DB