

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

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

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

IN RE: HB2784 by Martinez, "Mando" (Relating to a fee on conviction after a custodial arrest.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add Section 133.106 to Subchapter C of Chapter 133, Local Government Code, to require that a person convicted of any offense after a custodial arrest by a county or municipal peace officer to pay, in addition to all other costs, a court cost of \$25 to be used for law enforcement purposes. Whether the arresting officer is a municipal or county officer and what level of court the conviction occurs would determine how much of the \$25 would be deposited into the treasury of the municipality or of the county.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Local Government Impact

The fiscal impact would vary by county and municipality depending on how many persons to whom the fee would apply, collection rates, and fee processing systems.

The largest county in the state, Harris County, stated that an estimate cannot be determined because very few convictions following a custodial arrest result in cash payments from the defendant; instead, fines and fees are levied through credits of earned time spent in county jail. Montgomery County, population of 293,768 (2000 U.S. Census) and located adjacent to Harris County, estimates the county would experience an insignificant revenue gain of \$175,000, assuming 7,000 cases per year, and increasing 6 percent each year. Denton County (population of 432,976) estimates the county would experience an insignificant revenue gain of less than \$25,000 per year.

It is assumed municipalities would experience more revenue gain than counties because it is assumed that the municipalities would receive \$20 of the \$25 fee in most cases. The Finance Office for the City of Sherman assumes it would see a revenue gain of \$15,000, which is not significant compared to the city's budget. The Houston Municipal Courts did not provide an estimate of the revenue gain to the city, but estimates the courts would incur additional and significant costs for processing the new fee.

Source Agencies:

LBB Staff: JOB, ES, DB