LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 24, 2007

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

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

IN RE: **HB3010** by Pierson (Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Article 42.036, Code of Criminal Procedure (CCP), to authorize a court that requires a defendant to perform community service under Article 42 to order the defendant to pay a court administrative fee not to exceed $50 for administering the article.

The bill would amend Subchapter B of Chapter 103, Government Code, to require a defendant in certain criminal cases to pay an administrative fee not to exceed $50 to perform community service in lieu of serving a term of confinement in a county jail, if ordered by the court.

The proposed changes to statutes would apply only to a defendant convicted of an offense committed on or after the effective date of the bill. The bill would take effect September 1, 2007.

Local Government Impact

Courts would experience an increase in revenue that would vary depending on how many defendants would be required to perform community service under Article 42, CCP, and how many would be required to perform community service in lieu of jail time as stipulated in the proposed change to the Government Code.

The Community Justice Assistance Division of the Texas Department of Criminal Justice reports that in fiscal year 2004, there were 181,063 probationers required to perform community service restitution, and in fiscal year 2005, there were 165,914 ordered to perform community service restitution. Based on those numbers, in the aggregate, courts statewide could experience a revenue gain of approximately $8 million to $9 million from imposition of the maximum $50 administrative fee under Article 42, CCP. However, it is anticipated that the maximum fee would not be imposed in most cases because of varying financial capabilities of defendants.

The number of defendants who may be required to pay a fee and perform community service in lieu of jail time would vary. The counties would see a savings in costs associated with housing an offender in the county jail and the courts would experience a revenue gain from fees imposed. The amount of savings and revenue gains would vary by county.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, ES, DB