

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 23, 2007

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: HB3060 by Pena (Relating to issuance by a court of a *capias* or a *capias pro fine*.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3060, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>FAIR DEFENSE</i> 5073
2008	\$7,080,000
2009	\$9,922,000
2010	\$10,120,000
2011	\$10,322,000
2012	\$10,528,000

Fiscal Analysis

The bill would amend the Local Government Code to impose a \$2 cost on criminal convictions, other than pedestrian or parking offenses, and it would impose a \$5 filing fee on civil suits filed in district, statutory county and county courts. The county treasurer would remit, after retaining 10 percent for timely remittance, the court cost and filing fee revenue to the Comptroller, to be deposited and credited to the General Revenue-Dedicated Fair Defense Account No. 5073.

The bill would amend the Code of Criminal Procedure to create and define a *capias pro fine* (an arrest warrant for unpaid fines and costs) and allow all courts in the state to issue the new *capias*. The bill would impose a \$50 court cost for processing of the *capias pro fine*. Under the bill, all *capias* could be issued in electronic form.

The bill would make conforming amendments to the Government Code, other nonsubstantive conforming amendments, and other conforming repeals. The bill would take effect September 1, 2007.

Methodology

The Comptroller estimated the revenue gain for the new \$2 court cost and \$5 civil filing fee based on historical data from the *Annual Statistical Report for the Texas Judiciary—Fiscal 2006*, adjusted for growth, indigency, implementation, and retention by local governments. The court costs for criminal cases were multiplied by the total number of convictions, reduced to reflect the historical non-collection rates, and adjusted for an implementation lag. The overall revenue gain to the General Revenue-Dedicated Fair Defense Account No. 5073 is estimated to be \$17.0 million for the 2008-09 biennium.

The fiscal impact relating to the new \$50 fee for processing of the *capias pro fine* would vary, depending on the number of applicable cases and collection rates; however, the fiscal impact is not anticipated to be significant.

The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

The local fiscal impact to counties statewide for retention of 10 percent of the new \$2 court cost and \$5 civil filing fee is estimated to be \$787,000 in fiscal year 2008, \$1,102,000 in fiscal year 2009, \$1,124,000 in fiscal year 2010, \$1,147,000 in fiscal year 2011 and \$1,170,000 in fiscal year 2012.

The fiscal impact to local government relating to the new \$50 fee for processing of the *capias pro fine* would vary, depending on the number of applicable cases and collection rates; however, the fiscal impact is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, ZS, TB