

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 4, 2007

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

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

**IN RE: HB3858** by Gonzalez Toureilles (Relating to a court cost to support the collection of fees, fines, or court costs in criminal cases. ), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure by adding Article 102.0175, which would allow the governing body of a county or municipality to charge a \$50 fine to offenders who are delinquent in paying court costs and fines. The \$50 fine would support the collection of court costs, fees, and fines in criminal cases. The section would require any ordinance or order to authorize a judge to waive the fine in cases of financial hardship. Delinquency is defined as 60 days past the due date.

Provisions of the bill would apply only on offenses committed on or after the effective date of the bill, which would be September 1, 2007.

A portion of collected court costs are submitted to the state. The revenue gain to the state would depend on what level of improved collections of court costs may occur at the local level as a result of imposing the late fee.

### Local Government Impact

The revenue gain to a county or municipality would vary depending on the number of defendants who are 60 or more days delinquent in payment of court costs, of those the number who are not found to have a financial hardship, and of the collection rate among the remaining applicable defendants.

As an example, Dallas County estimates that approximately 240 defendants in district court cases and 840 defendants in county court cases per year would be delinquent in payment of their court costs, would not be found to have a financial hardship, and would pay the \$50 fee. This would result in an increase in revenue (excluding collecting the originally imposed court costs) of \$54,000 annually ((240 + 840) X \$50).

Bexar County estimates the \$50 fee would apply to 2,080 defendants per year. If the collection rate was 100 percent, the result would be an increase in revenue of \$104,000 annually, not including collecting the originally imposed costs.

The Williamson County Clerk reports that there are about 50 cases per month in which the defendant is delinquent by more than 60 days, for a total of 600 annually. The county did not make an assumption as to how many might be determined to be hardship cases. If, however, 20 percent (120) qualified for financial hardship and the remaining 480 defendants paid the \$50 fee, the county would experience an annual revenue gain of \$24,000 (480 X \$50).

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

**LBB Staff:** JOB, ES, ZS, DB, JJO