

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 17, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

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

IN RE: HB79 by Flynn (Relating to the payment of certain fees by sex offenders and the use of those fees for certain law enforcement purposes.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by specifying certain fees that local law enforcement authorities would be allowed to collect from persons who are required to register as sex offenders. A local law enforcement authority may charge a fee not to exceed \$50 the first time a person reports to the authority under Article 62.055 in order to file a change of address, if at that time the authority has not yet been designated as the person's primary registration authority. If the local law enforcement authority is already designated as the person's primary registration authority, a fee of \$5 may be charged of the person. The bill would also allow a local law enforcement authority to collect a \$50 fee from a person required to register as a sex offender. The bill states that 90 percent of the fees collected shall be remitted to the Comptroller of Public Accounts, and the portion that remains after remittance may be retained by the local law enforcement authority collecting the fee.

The bill would likely result in a slight increase in revenue however the Comptroller of Public Accounts states the bill is permissive with respect to amount of fees to be imposed and the fiscal effect cannot be determined.

The bill would take effect September 1, 2009.

Local Government Impact

The bill would allow local law enforcement authorities to charge and collect fees for a sex offender required to register. Local law enforcement authorities would be required to keep records of fees collected, and would be allowed to retain a percentage of the fees collected to defray costs incurred to implement the provisions of the bill. The fiscal impact to local entities would vary depending on the number of sex offenders requiring registration in an area, and the amount of fees collected.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: JOB, ESi, GG, MWU, TP