

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 7, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB293 by Dutton (Relating to the automatic expunction of criminal records.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB293, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

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
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from State Highway Fund 6	Change in Number of State Employees from FY 2009
2010	(\$932,491)	13.0
2011	(\$779,364)	13.0
2012	(\$779,960)	13.0
2013	(\$820,058)	13.0
2014	(\$779,962)	13.0

Fiscal Analysis

The bill would repeal certain sections of and amend the Code of Criminal Procedure regarding procedures for expunction of criminal records, imposing certain requirements on prosecuting attorneys and the courts. In addition, the bill would authorize the Department of Public Safety (DPS) to file an application for expunction on behalf of a person eligible to have their records expunged. The bill establishes the procedures that would be required of the DPS if the agency were to file an application.

As a result of repealing certain sections of code, the entity releasing or discharging an arrested person would no longer be required to provide the person with a written explanation of their rights regarding an expunction of records. Also, there would no longer be a requirement that a person seeking expunction of records would have to pay certain fees or postage related to filing for expunction.

The proposed changes in statute would apply only to acquittals, dismissed charges, and arrests made on or after the effective date of the bill, which would be September 1, 2009.

Methodology

DPS estimates that the provisions of the bill would require approximately 90,000 automatic expunctions to be filed during a one-year period. The Legislative Budget Board (LBB) estimates that an additional 13 FTEs per year (7 administrative assistants and 6 clerks) would be required to implement the provisions of the bill because of increased workload of general expunction procedures including notifications and updating, modifying or deleting all documents pertaining to each expunction order.

Other operating expenses such as maintenance and repair of office machines and computer equipment, computer supplies, consumable supplies and materials, and telephones are also included in the cost estimate.

The Office of Court Administration, the Board of Pardons and Paroles, and the Department of Criminal Justice anticipate that the bill would have no significant impact to their agencies.

Technology

The analysis includes estimated technology costs for computers, printers, scanners, data equipment and infrastructure, and enterprise agreements totaling \$42,687 in fiscal year 2010. Fiscal years 2011, 2012, and 2014 include a technology impact of \$1,922 per year for continued enterprise software agreements. Fiscal year 2013 includes \$22,047 for replacement computer equipment.

Local Government Impact

Based on information provided by district and county clerks there would be little or no fiscal impact to the prosecuting attorneys or to the courts.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

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