

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 19, 2009

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

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

IN RE: HB483 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.

This bill would authorize a new administrative fee in certain criminal cases. The bill would amend Article 42.036 of the Code of Criminal Procedure to authorize courts to charge an administrative fee of up to \$50 for defendants that are ordered by the court to perform community service. The bill would also amend the Government Code by adding Section 103.034 to require an administrative fee up to \$50 for defendants that are ordered by the court to perform community service in lieu of serving a term of confinement in a county jail.

Since the fee would be retained locally, the Comptroller of Public Accounts (CPA) believes there would be no fiscal impact at the state level.

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, 2009.

Local Government Impact

Courts would experience an increase in revenue that would vary depending on the number of defendants required to perform community service under Article 42 of the Code of Criminal Procedure, and the number of defendants 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 2007, there were 194,317 offenders on community supervision that performed community service. Based on the number of offenders performing community service, courts statewide could experience a revenue gain of up to \$9.7 million from the imposition of the maximum \$50 administrative fee. However, the amount of revenue gain would also depend on the number of maximum fees imposed due to the 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: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, JI, JJO, TP