

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 8, 2009

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

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

IN RE: HB579 by Gutierrez (Relating to certain costs on conviction in certain intoxication and drug cases.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB579, As Introduced: a positive impact of \$457,000 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	\$133,000
2011	\$324,000
2012	\$329,000
2013	\$335,000
2014	\$340,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from General Revenue Fund 1
2010	\$133,000
2011	\$324,000
2012	\$329,000
2013	\$335,000
2014	\$340,000

Fiscal Analysis

This bill would amend the Code of Criminal Procedure, Article 102.0178(a). The bill would increase the court cost on the conviction of certain intoxication and drug offenses from \$50 to \$60. The bill would also repeal the Government Code, Section 102.0215.

SECTION 1 of the bill would amend the Code of Criminal Procedure, Article 102.0178(a) to increase by \$10 the amount of a court cost charged to persons convicted offenses classified as Class B misdemeanors or higher under Chapter, Penal Code pr Chapter 481, Health and Safety Code from \$50 to \$60.

SECTION 2 of the bill has no fiscal impact.

SECTION 3 of the bill states that changes made by this bill apply only to offenses committed on or after the effective date.

SECTION 4 of the bill makes the act effective September 1, 2009.

Methodology

According to the Comptroller of Public Accounts (CPA), the fiscal impact estimated for this bill is based on historical data from the Annual Statistical Report for the Texas Judiciary for various years, adjusted for growth, indigency, implementation, and the percentage of fees retained by local governments (counties can typically retained 10 percent of most court costs if remitted to the CPA in a timely fashion; in addition, the counties with mandated drug court programs may retain an additional 50 percent of the current drug court cost). The court costs for criminal cases were multiplied by the total number of convictions, reduced to reflect historical non-collection rates, and adjusted for an implementation lag. Currently the cost is \$50 on drug and intoxication offenses; the bill would increase it by \$10. Sixty percent of the revenue is retained at the local level with the remaining 40 percent remitted to the state.

House Bill 530, 80th Legislature, Regular Session, took effect June 15, 2007, and created the court cost and a general revenue account for the revenues. According to the CPA, the account was not included in HB 3107, 80th Legislature, Regular Session, and was not created when that bill took effect June 15, 2007. Court cost revenues to the state from this bill would be deposited into the General Revenue Fund.

Local Government Impact

Local governments would see an increase in revenue due to the \$10 increase to the court cost. All counties are eligible to receive 10 percent of the total collected if they remit timely payments to the Comptroller each quarter. In addition, counties with a population over 200,000 would retain 50 percent of the amounts collected in their county to implement and maintain drug court programs. Together, these revenues are estimated by the Comptroller of Public Accounts to result in \$199,000 in local revenue gains for fiscal year 2010; \$486,000 in fiscal year 2011; \$494,000 in fiscal year 2012; \$502,000 in fiscal year 2013, and increase each year to an estimated \$510,000 for fiscal year 2014.

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

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