

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB666 by Gutierrez (Relating to certain costs used to fund drug court programs.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB666, As Passed 2nd House: a positive impact of \$83,590 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	(\$55,634)
2011	\$139,224
2012	\$144,224
2013	\$150,224
2014	\$151,366

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	\$133,000	(\$188,634)	2.0
2011	\$324,000	(\$184,776)	2.0
2012	\$329,000	(\$184,776)	2.0
2013	\$335,000	(\$184,776)	2.0
2014	\$340,000	(\$188,634)	2.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, Article 102.0178(a). The bill would increase an existing \$50 drug court cost, which is currently assessed on the conviction of certain intoxication and drug offenses, to \$60 for drug and alcohol related offenses as listed in the Penal Code, Chapter 49, and the Health and Safety Code, Chapter 481. The bill would also repeal the Government Code, Section 102.0215.

The bill would amend the Health and Safety Code, Chapter 469, relating to the provision of drug court programs. The bill would authorize the presiding judges of the administrative judicial regions, after conferring with the judges of courts in their regions with a county population of not more than 200,000, to appoint one or more full-time or part-time associate judges to operate a drug court

program.

The bill also includes conforming language from legislation passed by the Eightieth Legislature, 2007, and has no fiscal impact.

The changes made by the bill would be applicable only to offenses committed on or after the effective date of the bill. The bill would be effective September 1, 2009.

Methodology

According to the Comptroller of Public Accounts (CPA), the fiscal impact estimated for the changes made to the drug court cost 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 retain 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.

House Bill 530, Eightieth Legislature, 2007, took effect June 15, 2007, and created the court cost and a General Revenue account for the revenues. However, the account was not included in House Bill 3107, Eightieth Legislature, relating to creation and re-creation of accounts and dedication of accounts, and therefore, the drug court cost revenue is deposited into General Revenue. Provisions of this bill would establish that the applicable court cost revenues to the state would be deposited into the General Revenue Fund.

For the changes made by the bill related to associate judges for drug court programs, this fiscal note assumes the presiding judges would operate at least one drug court program, requiring one associate judge (paid an annual salary of \$94,300) and one court coordinator (paid an annual salary of \$43,116), together with related benefits costs (\$39,260). The court would require a travel budget, as the judge would serve more than one county and would need to travel to multiple locations to hold court (estimated at \$6,000 each fiscal year). The budget would also provide for consumable supplies, telephone expenses, and other operating costs (estimated at \$2,100 each fiscal year), together with a one-time equipment expense for computers, printers and other Information Technology (IT) equipment that would need to be replaced every five years (\$3,858 in fiscal year 2010 and 2014).

Technology

For the changes made by the bill related to associate judges for drug court programs, the court would need personal computers, printers, and other IT equipment that would need to be replaced every five years.

Local Government Impact

Local governments would see an increase in revenue due to the \$10 increase to the court cost for drug and alcohol related offenses listed under Chapter 49 of the Penal Code, and Chapter 481 of the Health and Safety Code. All counties are eligible to retain 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 be eligible to retain 50 percent of the amounts collected 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.

According to the Office of Court Administration, the amount of revenue gains for the 10 percent retained would be an estimated \$77,000 per year, and the statewide annual total for the 50 percent retained would be an estimated \$268,000 per year.

The bill would amend the Health and Safety Code, Chapter 469, relating to the provision of drug court programs. A local governmental entity that is designated as a host county must provide a courtroom; office space, including furniture, utilities, and telephone equipment; and service for the associate judge appointed under the provisions of the bill. The fiscal impact to a local governmental entity would vary depending on the county the drug court is located in, the availability of existing space, and other resources required to implement the provisions of the bill.

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

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