

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
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.),
Conference Committee Report

Estimated Two-year Net Impact to General Revenue Related Funds for HB666, Conference Committee Report: 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 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 includes conforming language from legislation passed by the Eightieth Legislature, Regular Session, 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 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 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, 80th Legislature, Regular Session, took effect June 15, 2007, and created the court cost and a general revenue account for the revenues. The account was not included in House Bill 3107, 80th Legislature, Regular Session, and was not created when that bill took effect June 15, 2007. Therefore, 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 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.

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

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