

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 1, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB755 by Gonzalez Toureilles (Relating to the creation of the county and district court technology fund; imposing a fee.), **As Introduced**

No fiscal implication to the State is anticipated.

This bill would amend Subchapter A, Chapter 102 Code of Criminal Procedure by adding Article 102.0169 to authorize a \$4 county and district court technology fee as a cost of court for defendants convicted of a criminal offense in a county court, statutory county court, or a district court. Fees collected would be placed in a fund known as the county and district court technology fund. The funds are to be used to fund continuing education and training regarding technological enhancements for the courts. It can also be used for the purchase and maintenance of technological enhancements for county court, statutory county court, or a district court.

This bill also includes conforming language for legislation passed by the Eightieth Legislature, Regular Session, 2007. According to the Comptroller of Public Accounts (CPA), this bill would have no fiscal impact on the state since all of the new \$4 technology fee would be retained locally.

Local Government Impact

The bill would amend the Code of Criminal Procedure authorizing county and district courts to establish a \$4 technology fee as a court cost for defendants convicted of a criminal offense in a county, statutory, or district court. The new funds would be used for purchasing technological enhancements for courts, and for training and continuing education relating to the new technology.

By requiring every county to create a justice court technology fund and requiring that the \$4 fee be imposed on all defendants convicted of a misdemeanor offense in the justice court, the courts would realize a revenue gain. The amount of revenue generated would vary by county, although the amount would not be significant. According to the Office of Court Administration (OCA) in fiscal year 2008 there were 527,799 convictions statewide (including orders of deferred adjudication) reported in district and county-level courts. Assuming a collection rate of 40 percent, the amount of new local revenue for all counties would be \$844,478.

This bill also includes conforming language for legislation passed by the Eightieth Legislature, Regular Session, 2007 by amending the Code of Criminal Procedure and the Government Code renaming the graffiti eradication fee as the juvenile delinquency prevention and graffiti eradication fee. The juvenile delinquency prevention and graffiti eradication fee imposed on a convicted defendant would be revised from \$5 to \$50 to reflect changes made by legislation passed by the Eightieth Legislature. These conforming language changes do not have a fiscal impact on local governments.

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

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