

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 21, 2009

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

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

IN RE: HB954 by Dutton (Relating to restrictions on the disclosure of certain criminal history records and to the duty of law enforcement agencies regarding records associated with certain defendants; creating an offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and the Penal Code relating to restrictions on the disclosure of certain criminal history records and to the duty of law enforcement agencies regarding records associated with certain defendants. The bill would permit persons who have been placed on community supervision and who have successfully completed the period of community supervision to file a petition with the courts for an order of nondisclosure. This would be an expansion of the current universe of persons who are eligible to obtain an order of nondisclosure. Currently, only persons who have been placed on community supervision in connection with deferred adjudication are eligible to seek an order of nondisclosure. The bill would result in an increase in the number of petitions for nondisclosure that are filed in the courts. To the extent the bill would increase the workload of the courts, the increase is not expected to be enough to result in any significant fiscal implication to the State.

According to the Department of Public Safety (DPS), approximately 3 percent of eligible deferred adjudications are issued an order of non-disclosure. Using this same percentage applied to this form of community supervision, the department estimates it would receive an additional 2,500 orders of nondisclosure a year, and processing the increase could be absorbed within existing department resources.

The bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

LBB Staff: JOB, ESi, TB, MWU, TP