

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

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

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

IN RE: HB1284 by Eiland (Relating to the creation of a court record preservation fund; imposing a fee.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by adding Article 102.0051 to create a court record preservation fee not to exceed \$10 that would be assessed upon conviction of any offense in a district court or a county-level court.

Since the fee would be retained locally, according to the Comptroller of Public Accounts (CPA) and the Office of Court Administration (OCA), no fiscal implication to the State is anticipated.

Local Government Impact

The bill would create a new criminal court cost that would be assessed upon a conviction of any offense in a district court or county-level court. The court fee would be an amount not to exceed \$10 with local entities setting the fees. The fees collected would be directed to a special county fund known as the "court record preservation fund." According to the Office of Court Administration (OCA), the total amount of new revenue projected to be realized by counties would be an estimated \$2,111,196; assuming that every county sets the amount of the fee at \$10. This number is determined by multiplying the total number of convictions (including deferred adjudications) in the county-level and district courts of Texas in fiscal year 2008 by the \$10 fee ($527,799 \times \$10 = \$5,277,990$), and then accounting for a collection rate of 40 percent ($\$5,277,990 \times .40 = \$2,111,196$).

Counties would experience a significant positive fiscal impact, depending on the amount of the fee set by a county, and the number of convictions that would generate new revenue.

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

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