

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: HB1544 by Miklos (Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Article 45.051 of the Code of Criminal Procedure permitting a judge to impose a special expense fee on certain defendants in an amount not to exceed the fine that could be imposed as punishment for the offense. The fee could be collected at any time before the date on which the period of probation ends. If the special expense fee is imposed, the judge shall require that the amount of the fee be credited toward the payment of the amount of the fine imposed by the judge.

According to the Office of Court Administration (OCA), the bill would not result in any material increase or decrease in the amount assessed as a special expense against these defendants. Revenue from the special expense remains with the local government and is not sent to the state. The Comptroller of Public Accounts (CPA) determined that there would not be a fiscal impact to the state.

Local Government Impact

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

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

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