

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

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

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

**IN RE: HB2062** by Gallego (Relating to the distribution of proceeds from the sale of forfeited property in a criminal case.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to authorize a local felony prosecutor representing the state to enter into a local agreement with the special rangers of the Texas Southwestern Cattle Raisers Association to transfer proceeds from the sale of certain forfeited property, after deduction of court costs, to a special fund established for the special rangers. Money from the fund could be used only by the special rangers for law enforcement purposes.

According to the Comptroller of Public Accounts, the transfer of the net proceeds due to confiscated property from future enforcement actions cannot be estimated. The bill is permissive with respect to the establishment of a local agreement between the state and the special rangers. Absent any additional details about the special fund, the assumption is that these are state monies.

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in the bill would be subject to funds consolidation review by the current legislature.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2009.

#### Local Government Impact

The Department of Public Safety appoints up to 50 special rangers who are employed by the Texas and Southwestern Cattle Raisers Association to aid law enforcement agencies in the investigation of the theft of livestock or related property.

Under current statute, a local felony prosecutor representing the state may enter into an agreement with local law enforcement agencies regarding the transfer of proceeds from the sale of forfeited property. Adding another entity with which to enter into an agreement would not have a fiscal impact on revenue gained through forfeiture. Revenue gain to the special rangers would vary depending on the terms of an agreement and on the amount and value of forfeited property.

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

**LBB Staff:** JOB, ESi, SD, DB