

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

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

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

IN RE: HB3399 by Darby (Relating to the right of a person convicted of a Class A misdemeanor to seek an expunction of arrest records and files relating to the offense.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3399, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from State Highway Fund 6	Change in Number of State Employees from FY 2009
2010	(\$865,911)	11.0
2011	(\$643,837)	11.0
2012	(\$511,507)	11.0
2013	(\$648,186)	11.0
2014	(\$508,449)	11.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to permit the expunction of records which have a Class A misdemeanor conviction, excluding offenses under Title 5, Penal Code. The provisions of the bill would apply to an offense regardless of whether the arrest occurred on or before the effect date of the bill. The bill would go into effect on September 1, 2009.

Methodology

The Department of Public Safety (DPS) estimates that 718,680 current records would be eligible for expunction under the provisions of the bill, as well as 4,500 new records meeting the eligibility criteria of the bill that are created each year. This analysis assumes petitions for expunction of existing records would be submitted at a rate of 15 percent (107,802) over the five year period, or approximately

21,560 per year. It is assumed that petitions for expunction of new records would be submitted at a rate of 25 percent per year (1,125), for a total of 22,685 additional expunction petitions to be received each year.

This analysis assumes that each full-time equivalent (FTE) processes 2,000 expunctions annually. This analysis also assumes that an additional 11 FTEs (Administrative Assistant II positions at salary group A11 at \$31,055 per year and career progression in 12 months to Administrative Assistant III salary group A13 at \$34,492 per year) would be needed to process the additional 22,685 expunction requests. It is also assumed that additional office space will be required to accommodate the additional personnel at an estimated lease cost of \$136,825 per year for fiscal years 2010 and 2011. Other operating expenses include maintenance and repair of office machines and computer equipment, computer supplies, non-capital computer equipment, and furniture and equipment.

Technology

The analysis includes estimated technology costs of computers, printers, and enterprise agreements totaling \$29,634 in fiscal year 2010. The technology impact in fiscal years 2011, 2012 and 2014 would be \$1,365. The technology impact in 2013 would be \$24,493.

Local Government Impact

The bill would allow a person convicted of a Class A misdemeanor to seek an expunction of records relating to the offense as defined by the provisions of the bill. The fiscal impact to units of local government could be significant, and would vary depending on the number of requests for expunction that meet the criteria established by the provisions of the bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 697 Board of Pardons and Paroles

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