

**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: HB3585** by Gallego (Relating to the payment of a special expense fee on a grant of deferred disposition in a justice or municipal court.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend Article 45.051 of the Code of Criminal Procedure permitting a judge to assess a special expense fee against certain defendants who opt for deferred disposition in Class C misdemeanor cases in justice or municipal courts. 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**

The bill would require the payment of a special expense fee on a grant of deferred disposition in a justice or municipal court. A judge would be allowed to defer proceedings on a plea of guilty or nolo contendere in a misdemeanor case punishable by a fine and court costs, place a defendant on probation for a maximum of 180 days, and impose a special expense fee on the defendant in an amount not to exceed the maximum amount assessed for the offense. The fiscal impact to courts would vary depending on the number of cases deferred, and the amount of the special fee imposed. The Comptroller of Public Accounts (CPA) contacted three municipal courts to determine the impact of the bill including Del Rio, Georgetown, and Amarillo. All three municipalities stated that there would be no additional costs but that potential increases in revenue could not be estimated.

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

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