

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 17, 2009**

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

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

**IN RE: SB112** by Ellis (Relating to the establishment of veterans court programs in this state. ),  
**Committee Report 1st House, Substituted**

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

The bill would amend the Health and Safety Code and the Code of Criminal Procedure relating to the establishment of veterans court programs in this State. The bill would authorize a county to establish a veterans court program for persons arrested for, charged with, or convicted of both misdemeanor and felony offenses. A veterans court program created under the bill would be required to have certain characteristics, including provision of various treatment and service programs. The bill would allow a court to dismiss a criminal case if the defendant successfully completes a veterans court program. A veterans court program is authorized to collect reasonable program fees, not to exceed \$1,000 to cover costs. Fees may be used only for the veterans court program. The bill would provide for legislative oversight of state veterans court programs. In addition, the bill would amend the Code of Criminal Procedure to allow a court to expunge records and files in certain cases if a defendant successfully completes a veterans court program. To the extent that the bill would alter judicial procedures in certain cases, no significant fiscal implication to the State is anticipated.

The bill would prescribe additional statutory duties and responsibilities to the State Auditor's Office (SAO), in that a legislative committee or the Governor may request the State Auditor to perform a management, operations, financial, or accounting audit of a Program. This analysis assumes the SAO would not receive a request from a legislative committee or the Governor for an audit of these Programs during fiscal years 2010 and 2011. Assumed that the SAO would receive one request for an audit of one Program in one county during fiscal year 2012 and one request in fiscal year 2014, this analysis estimates each audit would require 1,500 hours to complete and, using the SAO's current billing rate of \$90 per hour, cost \$149,400 (inclusive of \$14,400 for travel expenses). These costs in future years are not assumed to be a significant fiscal implication to the SAO. Also, in accordance with current Government Code 321.013, all additional duties and responsibilities prescribed by the bill would be proposed in the SAO's annual audit plan for Legislative Audit Committee approval

The bill would take effect September 1, 2009.

**Local Government Impact**

The bill would require the commissioners court of a county to establish a veterans court program. Harris and Travis Counties reported the costs to implement the provisions of the bill would be significant; however, Williamson County reported the costs would not be significant. The Harris County Office of Budget and Management reported that to establish a veterans court program on the docket of an existing court, would cost at least \$2.65 million annually (the average cost of a county criminal court), and up to \$3.85 million annually (the average cost of a criminal district court). It is likely the costs would be greater than this, though, because the program described in the bill would have the court taking on certain responsibilities of one of the county probate courts, such as decisions regarding competency to stand trial, civil, or forensic commitment to the state hospital system, etc.

Harris County also stated the county's best estimate is that dedicating a district or criminal court to a veterans court program as required by the provisions of the bill would cost Harris County an estimated \$3.25 to \$4.25 million annually.

Travis County reported that without veteran specific data, the county can only extrapolate from other programs. For example, Travis County reports its drug court cost \$774,790 in fiscal year 2008 (info taken from the Travis County fiscal year 2009 budget). This program screened around 3,000 potential participants in a program with a static capacity of 300.

Williamson County reported for felony cases, there would be no fiscal impact on the county budget because the District Attorney's Office would not seek to establish such a program in Williamson County.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 308 State Auditor's Office, 696 Department of Criminal Justice

**LBB Staff:** JOB, TB, TP, ESi