

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 2, 2011**

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

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

**IN RE: HB27** by Guillen (Relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to require a court to direct a defendant who has been convicted of a misdemeanor and who has been found to be unable to pay an assessed fine and court costs to be put on a time payment plan. The bill does not apply to felony convictions. According to the Office of Court Administration, current law permits (but does not require) courts to give similarly situated defendants this option. This analysis assumes the majority of courts already offer the time payment plan that this bill would require all courts to offer. Accordingly, to the extent the bill would result in additional courts allowing misdemeanor defendants to pay court costs and fines on a payment plan, no significant impact on judicial workloads or fiscal implication to the state is anticipated. The bill would take effect September 1, 2011.

**Local Government Impact**

To the extent the bill would result in additional courts allowing misdemeanor defendants to pay court costs on fines on a payment plan, any fiscal implication to units of local government is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, ESi, ZS, TB, JJO