

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

Revision 1

March 25, 2011

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

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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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 either: (1) be put on a payment plan; or (2) be allowed to perform community service in lieu of actually paying the fine and court costs. 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 these same two options. This analysis assumes the majority of courts already offer the two options that this bill would require all courts to offer. Accordingly, to the extent the bill would result in additional courts allowing misdemeanor defendants to perform community service in lieu of paying court costs, any minimal negative revenue implication to the state is not anticipated to be significant. 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 perform community service in lieu of paying court costs, any minimal negative revenue 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