

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 14, 2011

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

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

IN RE: HB934 by Smith, Todd (Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a court to charge a defendant an administrative fee, not to exceed \$50 to perform community service as ordered by the court.

The bill would amend the Government Code to require a defendant to pay an administrative fee, not to exceed \$50 to perform community service in lieu of serving a term in a county jail as ordered by the court.

According to the Office of Court Administration (OCA), the funds generated by the provisions of the bill would accrue to the county where the defendant is sentenced. However, the fee is discretionary, and it is not known how often the fee might be imposed.

The Texas Department of Criminal Justice (TDCJ) reported no significant fiscal impact is anticipated.

Local Government Impact

There could be a savings to counties for costs associated with housing an offender in a county jail and a revenue gain from the new fees imposed, but it would vary depending on the number of defendants who may be required to pay a fee and perform community service in lieu of jail time. The amount of savings and revenue gains would vary by county.

Based on a report by the Comptroller of Public Accounts (CPA), Tarrant, Randall and Yoakum counties reported implementing the provisions of the bill would have a positive fiscal impact; however, the amounts are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

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