

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

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

IN RE: HB1985 by Turner (Relating to the collection of criminal and civil court costs, fees, and fines by a municipality or county and to notice to the Department of Public Safety regarding payment of an administrative fee by certain persons denied renewal of a driver's license.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to include the term “eligible case,” which would exclude from the Collection Improvement Program (CIP) deferred disposition cases or cases in which a driving safety course is granted if the judgment in the case has not yet been entered. The CIP is only applicable to cases paid out over time. Since the bill would exclude cases currently included within the CIP, it will likely have some negative fiscal impact.

The bill would amend the Local Government Code to provide a municipality or a county up to 180 days to cure any deficiencies if the Comptroller of Public Accounts determines during an audit that it is non-compliant with the CIP and could no longer retain a service fee or 50 percent of the time payment fee. Under current statute, a non-compliant municipality or county is immediately prohibited from retaining a service fee or 50 percent of the time payment fee and the fees are directed to the State. The fiscal impact of the bill to the State is the loss of the service fee and 50 percent of the time payment fee for up to 180 days from the jurisdictions found not in compliance, but the amount is not expected to be significant.

The bill would amend the Transportation Code to require a political subdivision to immediately notify the department that there is no cause to continue to deny renewal of a person’s driver’s license based on the person’s previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost.

The Comptroller of Public Accounts reported there would be no administrative costs to implement the provisions of the bill and the amount of revenue loss cannot be estimated.

According to the Office of Court Administration, the extent of the impact is not possible to determine as data on the number of deferred disposition and driving safety cases in which the defendant was given the option to pay out over time is not available. Accordingly, for the purposes of this analysis, any negative fiscal implication to the State is not anticipated to be significant.

The bill would take effect September 1, 2011.

Local Government Impact

There could be a negative fiscal impact relating to the exclusion of deferred disposition and driving safety course cases from the CIP. In addition, there could be a positive fiscal impact to a municipality or a county that would be authorized to retain a service fee for up to 180 days after being found noncompliant. The amounts would likely be offset and would vary depending on the number of applicable cases in a locality; therefore, the fiscal impact is not anticipated to be significant.

According to the Office of Court Administration, there would be a positive fiscal benefit to a local governmental entity for CIPs in municipalities and counties that conform to the program requirements, thereby resulting in increased collections.

Source Agencies:

LBB Staff: JOB, JT, TP, JB