

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**April 4, 2011**

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil 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.), **As Introduced**

**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. According to the Office of Court Administration, the extent of that 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. The CPA reported there would be no administrative costs to implement the provisions of the bill and the amount of revenue loss cannot be estimated. 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**

The bill would amend the Local Government Code to provide a municipality or county up to 180 days to cure any deficiencies found in an audit determining it is non-compliant with the CIP, before it is no longer able to retain a service fee or 50 percent of the time payment fee. Under the 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. According to the Office of Court Administration, the amendments to the Local Government Code would be a direct fiscal benefit to the local jurisdiction, while providing an indirect benefit to the State by helping to ensure that the CIPs in municipalities and counties conform to the program requirements, thereby resulting in increased collections.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, JT, TP, TB, LCO