

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 10, 2011

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

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

IN RE: HB2344 by Castro (Relating to the authority of the commissioners court of a county to create a law enforcement technology fund and to require certain defendants to pay court costs for deposit in the fund.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add Article 102.0175 of the Code of Criminal Procedure to authorize a county commissioners court to create a law enforcement technology fund. If created, a defendant convicted of a misdemeanor offense would be required to pay a \$2 law enforcement technology fee as a court cost. The court clerks would be required to collect the fee and remit it to the county treasurer, or another official for deposit in the fund. A law enforcement technology fund would be administered by the commissioners court and could only be used to finance the purchase and maintenance or technological enhancements for a county law enforcement agency.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2011.

Local Government Impact

According to the Comptroller of Public Accounts (CPA), two counties reported there would be a positive fiscal impact from the fee revenue if a county chose to establish a law enforcement technology fund. The fiscal year (FY) for Sabine County begins January 1 and Bexar County's begins on October 1. Estimates for FY 2011 to 2012 have been prorated accordingly. Based on the information obtained from the sample counties, the bill would have no significant fiscal impact on units of local government and the amount of the impact cannot be estimated on all units of local government.

Sabine County indicated that the proposed fund would be used by the Sheriff's Office, Constables, Fire Marshall's Office, Justices of the Peace and the County Attorney's Office. Sabine County estimated there would be 1,300 convicted misdemeanor cases annually thereby generating additional revenue of \$2,600 in each FY. Sabine County does not anticipate any personnel, operational or technology costs.

Bexar County indicated that the proposed fund would be used by the Sheriff's Office, Constables, Fire Marshall's Office and the District Attorney Investigators. Bexar County estimated there would be 32,000 convicted misdemeanor cases annually thereby generating additional revenue of \$64,000 in each FY. Bexar County projected \$60,000 for operational and supply costs, but would not incur any technology costs.

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

LBB Staff: JOB, ESi, TP, TB