

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 23, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: SB316 by Whitmire (Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.), **Conference Committee Report**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure regarding the use, audit, and enforcement of forfeited assets and would authorize the Office of the Attorney General to file suit to recover a civil penalty on violations of criminal asset forfeiture law. The bill would also provide that the State Auditor's Office (SAO) may conduct audits and investigations on forfeited assets and would require law enforcement agencies and attorneys representing the state to reimburse the State Auditor's Office. It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources. Additionally, in accordance with Government Code 321.013, all additional duties and responsibilities prescribed by the bill regarding the SAO would be proposed in the SAO's annual audit plan for Legislative Audit Committee approval.

The Comptroller of Public Accounts has indicated that the number of potential violations and the amount of penalties levied are unknown. Therefore, there could be an indeterminate revenue increase to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 308 State Auditor's Office

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