

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 28, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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. 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

LBB Staff: JOB, ESi, MS, JM, TB, KKR