

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

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

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

IN RE: SB1701 by Williams (Relating to a criminal asset forfeiture hearing in which substitute assets are forfeited under certain circumstances.), **Committee Report 2nd House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to procedures for and evidence that may be presented at a criminal asset forfeiture hearing. The court would be authorized to order forfeiture of any other property of a person that otherwise is not subject to forfeiture if the court determined that the person's forfeited property was a result of certain acts or omissions. The court would be prohibited from ordering the forfeiture of property with a value greater than the value of the property originally ordered forfeited by the court.

Under the provisions of the bill, the amount of forfeited property may be increased and thus increase the amounts received by applicable entities. The Office of Court Administration reported the agency does not have statistics on forfeited property; therefore, it is impossible to predict whether there will be increases and, if so, to what degree. However, the fiscal impact is not anticipated to be significant on the State.

The bill would take effect September 1, 2011.

Local Government Impact

There could be additional administrative costs to a local governmental entity to dispose of forfeited property. In addition, there could be additional revenue as a result of the disposition of forfeited property, as court costs paid to the district clerk or revenues from the disposition, or both. The fiscal impact would vary depending on the costs associated with the disposition and the value of forfeited property, which in some individual cases could be significant, but the total amounts overall are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ESi, TP, KJG, TB