

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 8, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB211** by Fletcher (Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, *capias*, or *capias pro fine*.),  
**As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB211, As Introduced: a positive impact of \$400,000 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	\$200,000
2015	\$200,000
2016	\$200,000
2017	\$200,000
2018	\$200,000

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain from General Revenue Fund 1</b>
2014	\$200,000
2015	\$200,000
2016	\$200,000
2017	\$200,000
2018	\$200,000

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure, Article 102 to increase an existing court cost related to peace officer services for executing or processing an arrest warrant, *capias*, or

capias pro fine from \$50 to \$75.

The bill applies only to a fee imposed for the execution or processing of a warrant, capias, or capias pro fine issued for an offense committed on or after the effective date of the bill. The bill takes effect September 1, 2013.

### **Methodology**

According to the Comptroller of Public Accounts (CPA) and the Office of Court Administration, the fee is charged once an individual is convicted of the offense that prompted the arrest warrant, with 80 percent of fee revenue deposited to the county's treasury and 20 percent remitted to the CPA, if the services are performed by a state peace officer. In fiscal year 2012, the state received \$1.3 million in revenues related to various peace officer service fees, which are deposited to General Revenue.

The CPA estimates that the changes made to this fee by the bill would bring in an additional \$200,000 per year in General Revenue. Additional revenue to the state would depend upon the number of arrests using an arrest warrant, the number of convictions related to those warrants, and the number of arrest warrants served that involve a state peace officer.

### **Local Government Impact**

The bill would have a positive fiscal impact on counties due to the fee increases permitted by the bill.

Dallas County reported anticipated revenue gains of: \$530,317 for fiscal year 2014; \$1,537,116 for fiscal year 2015; \$1,575,544 for fiscal year 2016; and \$1,614,932 for fiscal year 2017.

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

**LBB Staff:** UP, JJO, ESi, ZS, KKR, TB