

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1311 by Farias (Relating to a court cost assessed on conviction of certain offenses involving an elderly victim.), **As Introduced**

<p>The bill would have a positive but indeterminate fiscal impact.</p>

The bill would amend the Code of Criminal Procedure, Chapter 42 to require a judge to make an affirmative finding and file a statement of that affirmative finding with papers in a case if the judge determines a victim or intended victim was 65 years of age or older at the time of the offense and place a defendant charged on community supervision for the offense.

The bill would amend the Code of Criminal Procedure, Chapter 102 requiring a person to pay \$100 in court costs on conviction of an offense involving a victim 65 years of age or older at the time of the offense. The bill would require the court costs collected to be sent to the comptroller for deposit to the victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure.

The bill only applies to a cost on conviction for an offense committed on or after the effective date of the bill. The bill would take effect September 1, 2013.

Due to a lack of data available about the number of crime victims 65 years or older, the potential revenue gain to the state cannot be estimated. The Comptroller of Public Accounts and the Office of Court Administration indicate that there would be a positive revenue gain to the Compensation to Victims of Crime Fund, but could not provide an estimate with available data. The Office of the Attorney General estimates that the potential revenue gain may be as high as \$1.4 million per fiscal year.

Local Government Impact

The Comptroller of Public Accounts contacted the counties of Bexar, Aransas, and Walker to determine the fiscal impact on counties.

Bexar County reported insignificant costs, if any, as a result of the bill. Bexar County does not formally track these offenses but was able to report the number of indictments filed: 122 cases in fiscal year 2010; 144 cases in fiscal year 2011; and 81 cases in fiscal year 2012.

Aransas County reported that there would be no fiscal impact as result of the bill. If any expenses occurred the county would incorporate them into its current structure. Currently, Aransas County does not track the numbers of offenses.

Walker County reported that there would be no fiscal impact as a result of the bill.

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

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