

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 22, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3208 by Alonzo (Relating to the expunction of criminal records.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3208, As Introduced: a negative impact of (\$1,419,303) 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$747,309)
2015	(\$671,994)
2016	(\$671,994)
2017	(\$671,994)
2018	(\$671,994)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Judicial Fund 573
2014	(\$747,309)	\$2,389,500
2015	(\$671,994)	\$2,389,500
2016	(\$671,994)	\$2,389,500
2017	(\$671,994)	\$2,389,500
2018	(\$671,994)	\$2,389,500

Fiscal Year	Change in Number of State Employees from FY 2013
2014	11.0
2015	11.0
2016	11.0
2017	11.0
2018	11.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure relating to an individual's right to expunction of criminal records. The bill would decrease timelines specifying the earliest dates for expunction eligibility. The change in law would apply only to the prosecution of an offense committed on or after the bill's effective date. The bill would take effect September 1, 2013.

Methodology

Based on a five-year historical average of dismissed offenses and the average number of expunctions received by the agency, the Department of Public Safety (DPS) estimates that the bill would result in an additional 15,000 expunctions annually. Based on the increased volume of expunctions, DPS reports that they need additional full-time equivalent positions to implement the bill's provisions. This analysis assumes DPS will need an additional 11 full-time equivalent positions resulting in an additional annual salary, benefit, and miscellaneous associated operating costs of \$747,309 in fiscal year 2014 and \$671,994 in subsequent years. These costs would be paid from the General Revenue Fund.

The bill would also result in additional revenue generated by civil court filing fees in the new expunction cases. According to the Office of Court Administration (OCA), depending on the county in which the action is brought, these civil court filing fees for expunction cases range from \$177 to \$277. Assuming that 15,000 additional expunction cases are filed with associated fees of \$177, an additional \$2,655,000 would be generated. Ninety percent of these fees would be remitted to Judicial Fund No. 573 (\$2,389,500), and ten percent would be retained by local entities (\$265,500).

Local Government Impact

The bill is expected to generate an estimated additional \$265,500 statewide annually in civil court filing fees.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

LBB Staff: UP, ESi, ZS, AM