

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

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

**March 5, 2013**

**TO:** Honorable Royce West, Chair, Senate Committee On Jurisprudence

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

**IN RE: SB395** by West (Relating to fines and court costs imposed on a child in a criminal case.),  
**As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB395, As Introduced: a negative impact of (\$953,856) 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	(\$476,928)
2015	(\$476,928)
2016	(\$476,928)
2017	(\$476,928)
2018	(\$476,928)

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

Fiscal Year	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from General Revenue Dedicated, Multiple Accounts	Probable Revenue Gain/(Loss) from Other Funds, Multiple Accounts
2014	(\$476,928)	(\$1,051,560)	(\$127,512)
2015	(\$476,928)	(\$1,051,560)	(\$127,512)
2016	(\$476,928)	(\$1,051,560)	(\$127,512)
2017	(\$476,928)	(\$1,051,560)	(\$127,512)
2018	(\$476,928)	(\$1,051,560)	(\$127,512)

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure, Articles 42, 43, and 45, relating to fines and court costs imposed on a child in a criminal case. The bill would require that a child defendant who incurs a fine and court costs be given a choice between paying the fine and court costs or

performing community service in lieu of payment. The bill also allows a judge the option of waiving fines and court costs for children.

The bill would be effective September 1, 2013.

### **Methodology**

The bill would give a child who is convicted of a crime the option to satisfy assessed fines and court costs by performing community service and allows a judge the option waiving fines and court costs for children. According to the Office of Court Administration (OCA), under current law a judge does not have to allow a child the options to perform community service in lieu of paying fines and court costs except in limited circumstances. The bill would result in some fine and court cost assessments being satisfied by means other than monetary payments, which would reduce revenue.

The OCA estimated a state revenue of loss of \$1.7 million per fiscal year in All Funds. Based on fiscal year 2011 criminal court cost revenue and convictions, OCA calculated that 90 percent of \$368.0 million in court cost revenue, or \$331.2 million, is from municipal and justice courts, which process cases involving children. The agency assumed that five percent of the revenue, or \$16.6 million, is from cases involving children, and that in 10 percent of cases, child defendants would choose community service in lieu of payment, resulting in a \$1.7 million annual loss split among General Revenue, multiple General-Dedicated accounts and multiple Other Funds.

The Texas Juvenile Justice Department (JJD) does not anticipate an impact to the agency as a result of the bill.

### **Local Government Impact**

Nueces County and Tarrant County reported no significant fiscal impact associated with the bill. According to the CPA, Bastrop, Dallas, and Henderson Counties also reported no significant fiscal impact associated with the bill. According to the OCA, there could be a reduction of approximately 10 percent in the fine and court cost revenue from children. However, this reduction would not represent a significant fiscal impact to local courts.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts, 644 Texas Juvenile Justice Department

**LBB Staff:** UP, CL, ZS, JJO, SD, KKR