

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 3, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB462 by Huffman (Relating to specialty court programs in this state.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB462, Committee Report 2nd House, Substituted: a negative impact of (\$4,852,000) through the biennium ending August 31, 2015. However, an indeterminate amount of revenue will be deposited into the General Revenue Fund, through the collection of a new fee imposed by the bill, that would offset some of the negative impact to General Revenue Related Funds.

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	(\$2,402,000)
2015	(\$2,450,000)
2016	(\$2,499,000)
2017	(\$2,549,000)
2018	(\$2,600,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>New Drug Court Account</i>
2014	(\$2,402,000)	\$2,402,000
2015	(\$2,450,000)	\$2,450,000
2016	(\$2,499,000)	\$2,499,000
2017	(\$2,549,000)	\$2,549,000
2018	(\$2,600,000)	\$2,600,000

Fiscal Analysis

The bill would amend Title 2 of the Government Code as it relates to specialty court programs in the state by adding subtitle K, Specialty Courts. Under the provisions of the bill, a new General Revenue-Dedicated Drug Court Account would be created to receive specialty court fees. Additionally, a new fee would be collected and deposited into the General Revenue Fund for a first offender prostitution prevention program.

The Lieutenant Governor and the Speaker of the House of Representatives would be authorized to assign, to an appropriate legislative committee, duties related to oversight of specialty courts programs, and the Governor or a legislative committee could request the state auditor to review a specialty court program.

A specialty court could not operate until the court's executive provides to the Governor's office notice of the program and the provisions establishing the court. The court would be required to comply with programmatic oversight by the Governor's Office, and a court that fails to comply with these requirements would not be eligible to receive state or federal grant funds from any state agency.

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

In accordance with Section 321.013, Government Code, all additional duties and responsibilities prescribed by the Bill would be evaluated for inclusion in the SAO's annual audit plan for Legislative Audit Committee approval.

The Office of Court Administration, Office of the Governor, Comptroller of Public Accounts, State Auditor's Office, Family and Protective Services, and the Department of Criminal Justice have all indicated that the provisions of the bill could be implemented with existing agency resources.

The bill would take effect September 1, 2013.

Methodology

Under provisions of the bill, a new General Revenue-Dedicated Drug Court Account would be created to receive specialty court fees. Additionally, a new fee would be collected and deposited into General Revenue Fund for a first offender prostitution prevention program.

According to the Comptroller of Public Accounts (CPA), fees from the various drug court programs are currently deposited to the General Revenue Fund. The bill would deposit the existing revenues into a newly created General Revenue-Dedicated Account for Specialty Courts to fund all of the specialty court programs under Subtitle K. The estimated revenue impact is based on the 2014-15 Biennial Revenue Estimate (BRE).

Based on the Comptroller's cost estimate for a similar fee, related to the creation of a first offender prostitution prevention program, depending upon prostitution prevention program rates of participation, defendants' ability to pay, and payment schedules, as determined by the courts, there would be an indeterminate amount of revenue that would be generated by the related fee imposed by the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts

LBB Staff: UP, CL, EP, CK, KKR