

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

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

**May 21, 2013**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

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

**IN RE: SB484** by Whitmire (Relating to the creation of a prostitution prevention program; authorizing a fee.), **As Passed 2nd House**

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 fee imposed by the bill.

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	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from Criminal Justice Plan Ac 421</b>
2014	(\$2,921,000)
2015	(\$2,921,000)
2016	(\$2,921,000)
2017	(\$2,921,000)
2018	(\$2,921,000)

## **Fiscal Analysis**

The bill would allow a government entity to implement a prostitution prevention program (PPP) that would allow a defendant, with approval from the attorney for the state and the judge, to complete the PPP in exchange for an order of nondisclosure.

The bill would allow the Lieutenant Governor and the Speaker of the House of Representatives to assign duties to legislative committees relating to oversight of PPPs. The bill would also allow a legislative committee or the Governor to request the state auditor to perform a management, operations, financial, or accounting audit of a PPP established by the bill.

The bill would establish a procedure for the dismissal, set aside, or expunction of certain prostitution-related crimes if they occurred when the defendant was a minor. The bill specifies that if such a defendant is indigent, an attorney shall be appointed on their behalf. The bill further specifies that upon certain court findings for indigent defendants, court transcription of proceedings shall be made available at the expense of the county.

If a municipality in a county with population of 200,000 or more does not establish a PPP, the county would be required to establish a PPP if federal or state funds are available specifically for that purpose. A county that does not establish and maintain a PPP as required upon passage of the bill would be ineligible to receive state funds for its community supervision and corrections department. Multiple counties or multiple municipalities (but not a municipality and the unincorporated part of a county) may establish a regional PPP.

A PPP established under the provisions of the bill would be allowed to collect a program fee not to exceed \$1,000 from a participant in the program.

The Office of Court Administration does not anticipate that the bill will have a significant fiscal impact to the court system. The Department of Public Safety reports that the bill not have a fiscal impact to the agency.

## **Methodology**

The Criminal Justice Division (CJD) at the Office of the Governor funds grants to specialty court programs in Texas, which are for drug related courts. The Governor's Office estimates funding for those counties mandated to establish a PPP would cost \$2.9 million each fiscal year in grant funds out of General Revenue-Dedicated Criminal Justice Planning Account No. 421, as a similar amount is expended on grants for specialty programs related to drug courts in the affected counties. However, the amount of prostitution cases is significantly less than the amount of drug-related cases, and would therefore likely result in smaller programs requiring fewer grant funds. Additionally, it is difficult to estimate the number of counties or municipalities, outside those mandated by this bill, that would create and implement a PPP.

## **Local Government Impact**

A reduction of cases could result in fewer fines and court costs collected at the county, district, and appellate court levels; however, no significant fiscal impact to local governments is anticipated.

The bill's provision requiring appointment of counsel for and transcription and provision of certain records certain indigent defendants is anticipated to result in a cost to local governments. However, the number of cases which may be heard is unknown and the fiscal impact can not be determined.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 301 Office of the Governor, 304 Comptroller of Public Accounts, 308 State Auditor's Office, 696 Department of Criminal Justice

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