

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION
Revision 1

April 23, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1172** by West (Relating to the eligibility of certain criminal defendants for an order of nondisclosure; authorizing a fee.), **As Introduced**

Although the bill is anticipated to generate additional revenue, the fiscal implications of the bill cannot be determined at this time due to a lack of data on the number of potential petitions that will be filed as a result of the bill.

The bill would amend the Government Code to modify the eligibility for orders of nondisclosure. The bill specifies that a person placed on community supervision whose sentence is subsequently reduced and terminated pursuant to the judicial review procedure provided for in the Code of Criminal Procedure Article 42.12, Section 20(a) is eligible to petition the court for an order of nondisclosure. The bill specifies that petitions filed pursuant to the bill require payment of a \$28 fee in addition to any other fee that generally applies to the filing of a civil petition. The change in law would apply only to a person whose conviction is set aside on or after the bill's effective date. The bill would take effect September 1, 2013.

The Department of Public Safety did not report a fiscal impact to the agency resulting from the bill. The Office of Court Administration reports that the bill would increase the number of petitions filed for orders of nondisclosure, and that to the extent that additional fees from the new petitions offset the additional associated workload, the bill would result in a positive fiscal impact. The Office of Court Administration reports that it does not have information on the number of individuals who would seek a petition pursuant to the terms of the bill.

This analysis assumes that the bill will result in a revenue increase from the additional civil court filings and the \$28 fee with the order of nondisclosure. However, because the number of individuals who would seek such an order is not known, the fiscal impact of the bill cannot be determined.

Local Government Impact

The bill is expected to have a positive fiscal impact on local government entities because they retain a portion of civil filing fees. However, the fiscal implications of the bill cannot be determined at this time because of a lack of data on the number of petitions that would be filed as a result of the bill.

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

LBB Staff: UP, CL, ZS, AM, SD