

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 8, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1419 by West (Relating to funding for juvenile case managers through certain fees and court costs and to the establishment of the truancy prevention and diversion fund.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to expand the authority of juvenile case managers to provide prevention services to a child considered at risk and intervention services to juveniles engaged in misconduct prior to cases being filed as defined by the provisions of the bill.

The bill would amend Chapter 54 of the Family Code to establish the Truancy Prevention and Diversion Fund which would divert a \$20 court cost currently collected upon conviction of an offense under Section 25.094 of the Education Code (failure to attend school) from local treasury funds to the new Truancy Prevention and Diversion Fund. The bill would specify that funds collected are subject to audit by the Comptroller and funds expended are subject to audit by the State Auditor. The Legislature may appropriate money from the account only to the Office of the Attorney General (OAG) for distribution to programs that use juvenile case managers to provide services for juveniles who are truants.

The bill would amend Chapter 103 of the Government Code relating to fees for the fund shall be collected under Section 54.0412 of the Family Code.

An audit by the State Auditor's Office (SAO) would be subject to the SAO's risk assessment process for inclusion in the SAO's annual audit plan to the Legislative Audit Committee. The SAO indicated that the cost is not anticipated to be significant and could be absorbed within the existing budget.

The OAG would need statutory authority to disburse funds to juvenile programs. The OAG anticipates any fiscal impact resulting from the passage of this bill could be reasonably absorbed with current resources.

Local Government Impact

According to the analysis by the Office of Court Administration (OCA), changing the distribution of court costs under Section 25.094 would lower local revenues and increase state revenues by the amount deposited to the new Truancy Prevention and Diversion Fund. Statewide, OCA estimates this amount would be about \$916,000 per year based on the estimated annual number of convictions under Section 25.094 (70,475) times the \$20 court cost times an average collection rate of 65 percent.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 308 State Auditor's Office, 644 Texas Juvenile Justice Department

LBB Staff: UP, CL, KKR, TP, MW, JPo