

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

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

**April 22, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB1448** by Hinojosa (Relating to orders of nondisclosure issued for records of certain fine-only misdemeanors; authorizing a fee.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code, Chapters 103 and 411 to permit persons convicted of non-traffic, non-ordinance fine-only misdemeanors to file a petition for non-disclosure. Persons who have been placed on deferred disposition and who have subsequently received a dismissal in fine-only misdemeanor cases would also be eligible to file a petition for non-disclosure. The petition requires a \$28 fee to be paid by the defendant, which would be retained by the local government. The bill would prohibit those convicted of or placed on deferred adjudication for certain offenses from being eligible to apply for the non-disclosure order, including sex offenses, murder, aggravated kidnapping, stalking and family violence.

The bill would apply to petitions for non-disclosure filed on or after the effective date of the bill. The bill would take effect September 1, 2013.

The Office of Court Administration (OCA) indicates that there would be no revenue gain to the state since the fee is retained locally and that the bill should not result in any additional cost to the state judicial system. The Comptroller of Public Accounts indicates that the impact to the state could not be estimated since the number of persons with fine-only misdemeanors eligible to apply for non-disclosure under the provisions of the bill cannot be known.

The Department of Public Safety estimates that there would be a cost associated with implementing provisions of the bill. It is anticipated that the costs could be absorbed within current agency resources.

**Local Government Impact**

There would be additional costs associated with handling what OCA estimates will be 63,137 additional cases. However, these costs would be offset in part by \$1,767,836 to counties and cities statewide. Counties would also charge existing filing fees for petitions filed in the justice courts, but municipalities do not charge any filing fees in their courts (other than the proposed \$28 fee). Net fiscal impact is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304

Comptroller of Public Accounts, 405 Department of Public Safety

**LBB Staff:** UP, ESi, ZS, JJO, JP, KKR