

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 8, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB329 by Wu (relating to orders of nondisclosure issued for records of certain fine-only misdemeanors; authorizing a fee.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB329, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2017.

However, there would be a revenue gain of \$708,305 per fiscal year from additional fees. This gain would be split between two accounts.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|--------------------|---|
| 2016 | \$0 |
| 2017 | \$0 |
| 2018 | \$0 |
| 2019 | \$0 |
| 2020 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Revenue Gain from <i>Statewide Electronic Filing System</i> 5157 | Probable Revenue Gain from <i>Judicial Fund</i> 573 |
|--------------------|--|--|
| 2016 | \$451,150 | \$257,155 |
| 2017 | \$451,150 | \$257,155 |
| 2018 | \$451,150 | \$257,155 |
| 2019 | \$451,150 | \$257,155 |
| 2020 | \$451,150 | \$257,155 |

Fiscal Analysis

The bill would amend the Government Code to expand the list of court fees to include a fee paid on filing a petition for an order of nondisclosure of information in certain fine-only misdemeanor cases. The bill would permit individuals, who have been convicted of certain fine-only misdemeanor offenses, to petition a court for an order of nondisclosure on or after the first

anniversary of the conviction or dismissal. The bill provides factors for the court to consider when determining the grant an order of nondisclosure is in the best interest of justice. Under the provisions of the bill, the court would issue an order prohibiting criminal justice agencies from disclosing certain public criminal history record information. The bill would permit a court to require the defendant perform community service or pay fees as a condition of granting the petition. Under the provisions of the bill, a criminal justice agency would be prohibited from disclosing certain information to parties other than other criminal justice agencies or certain other noncriminal justice agencies. Under the provisions of the bill, the court would collect a payment of \$28 fee for the filing of a petition. This fee would be deposited to the credit of the general fund of the municipality or county. The bill would prohibit a business entity from publishing criminal record information if the business has received notice of an order of nondisclosure.

Methodology

State Revenue Gain: The Office of Court Administration indicates that based upon historical records there would be 45,115 new petitions for orders of nondisclosure in justice courts. Each petition would result in a \$10 filing fees to support statewide e-filing. Of this amount, 100 percent or \$451,150 would be directed to the state in the General Revenue-Dedicated Statewide E-filing Account. Further there would be \$6 assessed in filing fees to support basic civil legal services. Of this amount, 95 percent or \$257,155 would be deposited to the credit of Basic Civil Legal Services Account in the Judicial Fund No. 573.

Local Government Impact

According to the Office of Court Administration, the bill would create additional revenue for counties and municipalities. Counties could collect an estimated \$2.4 million in increased filing fee revenue. In addition, certain counties could see an increase in revenue to support alternative dispute resolution, if applicable. The Office of Court Administration reported municipalities could collect an estimated \$3.5 million in new revenue from the filing fee in nondisclosure cases.

According to the Office of Court Administration, there would be an impact on local courts associated with the handling of new petitions for orders of nondisclosure. The impact to a local entity would differ by jurisdiction; however the Office of Court Administration reported that the additional workload could be handled within existing resources.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, KJo, EK, LCO, SD, TB