

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 23, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1425 by Fletcher (Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.),
As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB1425, As Introduced: a positive impact of \$2,221,596 through the biennium ending August 31, 2017.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$1,110,798
2017	\$1,110,798
2018	\$1,110,798
2019	\$1,110,798
2020	\$1,110,798

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from General Revenue Fund 1
2016	\$1,110,798
2017	\$1,110,798
2018	\$1,110,798
2019	\$1,110,798
2020	\$1,110,798

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to increase the fee charged upon criminal conviction for executing or processing an issued arrest warrant, capias, or capias pro fine from \$50 to \$75. If the execution or processing of the warrant is performed by a local government

peace officer, then the entire fee is retained by the local government. If the execution or processing is performed by a peace officer employed by the State, then 20 percent of the fee is directed to the State. The other 80 percent is retained by the local government operating the relevant court.

The bill would take effect September 1, 2015.

Methodology

In fiscal year 2014, the Office of Court Administration (OCA) estimates that most arrest warrants, capiases, and capias pro fines were issued by justice courts and municipal courts (3,043,283 documents, or 80 percent of all issuances); and district and county courts issued another 608,657 documents (20 percent), for a total of 3,651,940 such documents issued. For purposes of this analysis, it is assumed 10 percent of such documents were executed or processed by peace officers employed by the State: 365,194 documents (10 percent x 3,651,940).

A \$25 fee increase means a total increase in assessed court costs of \$9,129,850 each fiscal year ($\$25 \times 365,194$). According to OCA, the collection rate on assessed criminal court costs in the district and county courts is about 40 percent. The collection rate on assessed criminal court costs in the justice and municipal courts is about 65 percent. Accordingly, the additional revenue on these documents executed or processed by State peace officers would be about \$5,553,990 ($304,328 \text{ documents} \times \$25 \times 65 \text{ percent for justice and municipal courts} = \$4,945,330$); plus $60,866 \text{ documents} \times \$25 \times 40 \text{ percent for district and county courts} = \$608,660$). The State would get 20 percent of this increase under the requirements of the bill which is \$1,110,798.

Local Government Impact

Local governments would get 80 percent of the \$5,553,990 in total revenue noted above wherein documents were executed by state-employed peace officers, which would be \$4,443,192.

Additionally, local governments would get all of the increased revenue on the 90 percent of the instances in which local government peace officers execute or process the arrest warrants, capiases, and capias pro fines. As noted above, this would be about 3,286,746 documents (90 percent x 3,651,940). A \$25 increase in court costs for these 3,286,746 documents means a total increase in assessed court costs of \$82,168,650. Assuming a 40 percent collection rate on district and county cases, the additional revenue would be \$5,477,910 for district and county cases ($547,791 \text{ documents} \times \$25 \times 40 \text{ percent}$). Assuming a 65 percent collection rate on justice and municipal court cases, the additional revenue would be \$44,508,019 ($2,738,955 \text{ documents} \times \$25 \times 65 \text{ percent}$). Thus, the total additional revenue for district, county, justice and municipal court cases for local purposes would be \$49,985,929 ($\$5,477,910 + \$44,508,019$).

The total increase in annual revenue to local government could be as much as \$54,429,121 ($\$4,443,192 + \$49,985,929$) from the proposed \$25 increase.

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

LBB Staff: UP, ESi, MW, TB