

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 20, 2015**

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

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

**IN RE: HB2970** by Herrero (Relating to the use of money paid as restitution to or on behalf of certain individuals depicted in child pornography.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2970, As Introduced: a negative impact of (\$1,308,032) 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$822,241)
2017	(\$485,791)
2018	(\$485,791)
2019	(\$485,791)
2020	(\$500,791)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>	<b>Change in Number of State Employees from FY 2015</b>
2016	(\$822,241)	6.0
2017	(\$485,791)	6.0
2018	(\$485,791)	6.0
2019	(\$485,791)	6.0
2020	(\$500,791)	6.0

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to create the Compensation to Child Pornography Victims Fund as a dedicated account in the General Revenue Fund and require the Office of the Attorney General to establish a committee to administer the account.

Under the bill provisions, the OAG indicated the fiscal impact for administering the Compensation to Child Pornography Victims Fund would be \$822,241 in fiscal year 2016, \$485,791 each fiscal year from 2017-2019, and \$500,791 in fiscal year 2020. Costs include salaries for 6.0 FTEs, general operating, lease space, postage, travel, capital equipment, and benefits.

The Office of Court Administration and the Comptroller of Public Accounts indicated the costs associated with implementation of the bill could be absorbed with existing resources. The Comptroller of Public Accounts and the Office of the Attorney General indicated the revenue collected from court order restitution cannot be estimated.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The bill would take effect September 1, 2015.

### **Methodology**

Currently, the Office of the Attorney General administers the Compensation to Victims of Crime Fund (Fund 469). However, under the bill provisions all awards to victims of child pornography would be awarded from the Compensation to Child Pornography Victims Fund. The Compensation to Child Pornography Victims Fund would be funded by court ordered restitution from offenders and compensation to victims could only be awarded if restitution is collected.

The Office of the Attorney General and Comptroller of Public Accounts indicated the following are unknown factors related to the fiscal impact under the bill provisions:

- 1) The number of victims who would seek compensation;
- 2) The number of offenders who would be ordered to pay restitution; and
- 3) The amount of restitution that would be collected.

The bill provisions require the Office of the Attorney General to establish a six member committee to administer the Compensation to Child Pornography Victims Fund. The Office of the Attorney General estimates administering the Compensation to Child Pornography Victims Fund would require six Program Specialist I (6.0 FTEs) with a fiscal year cost of \$377,345 for salaries (\$281,853) and related benefits (\$95,492).

The Office of the Attorney General estimates they would not be able to house the additional personnel in existing office space and would be required to lease space. Additionally, the Office of the Attorney General estimates it would provide training and informational materials to law enforcement personnel, court officials, and victim advocates, as well as develop a new business process related to applications for compensation from the Compensation to Child Pornography Victims Fund.

### **Technology**

There would be a technology impact related to computer hardware, software, telecommunications equipment, and network storage estimated to be \$24,090 in fiscal year 2016 and \$14,040 in

subsequent fiscal years.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** UP, KJo, EP, TBo, SD, GDz