

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 28, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB323** by Canales (Relating to the award of court costs, storage fees, and attorney's fees in a criminal asset forfeiture proceeding.), **As Introduced**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Code of Criminal Procedure to require law enforcement agencies responsible for seizing property to reimburse the owner for certain costs incurred if the court determines the seized property is not subject to forfeiture. The bill specifies that reimbursement would come from a fund established for law enforcement services. Based on the analysis of the Office of Court Administration, the Department of Public Safety, and the Comptroller of Public Accounts, the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

According to the Texas Association of Counties, there would be costs to local law enforcement agencies to reimburse applicable owner of interest holder for court costs, storage fees, and reasonable attorney's fees. However, the fiscal impact would vary depending on the number of applicable cases.

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

LBB Staff: UP, KJo, MW, PBO, JAW, JGA