

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 20, 2017**

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

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

**IN RE:** **HB351** by Canales (Relating to the discharge or waiver of fines and costs imposed on indigent defendants; authorizing a fee.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to allow a judge to order, at sentencing or any time thereafter, a defendant that is unable to pay a fine or costs to discharge all or part of the fine or costs by performing community service and includes additional requirements that includes allowing a judge to impose a reasonable administrative fee to cover the costs of administering and supervising a defendant's community supervision and automatic reinstatement of the unpaid amount if the defendant does not complete the community service by the date specified. The bill would also allow a judge to waive payment of a fine or costs imposed on a defendant or child who is indigent and discharging the fine or costs under any alternative method would impose an undue hardship on the defendant or child.

Based on information provided by the Office of Court Administration, no significant fiscal implication to the state is anticipated and revenues from the administrative fee would not be significant based on historical analysis of payments made by indigent individuals.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

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

**LBB Staff:** UP, KJo, MW, GDz, LCO, JGA