

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 25, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3391 by Geren (Relating to the creation of a specialty court for certain public safety employees who commit a criminal offense; imposing fees for participation and testing, counseling, and treatment.), **As Introduced**

The bill would have a positive, but indeterminate, fiscal impact to the state. The number of program participants and associated revenue from program fees and fees to cover necessary costs cannot be determined and the number of new specialty courts that would be established is unknown.

The bill would amend the Government Code and Code of Criminal Procedure to authorize a county to establish a specialty court for certain public safety employees that commit a criminal offense and would impose fees for participation, testing, counseling, and treatment.

The bill would allow a commissioner's court to establish the program for persons arrested for or charged with any misdemeanor or felony offense and would establish limitations on program eligibility. The bill would allow this specialty court program to collect a program fee not to exceed \$1,000 to cover program costs with the amount collected based on the participant's ability to pay.

The bill would allow civil penalties collected relating to forfeiture of contraband and costs attendant to certain intoxication and drug offenses to be deposited into the drug court account in the General Revenue Fund to fund the specialty court programs under this bill's provisions. The bill permits a new use of the drug court account. According to the Comptroller of Public Accounts, the number of program participants and associated revenue from program fees and fees to cover necessary costs cannot be determined. In addition, the number of new specialty courts that would be established is unknown.

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, 2017.

Local Government Impact

According to the Office of Court Administration (OCA), local courts will incur costs for implementing a new specialty court, but since implementation is permissive, OCA assumes

counties would only implement such courts if sufficient resources were available. Additionally, Public Safety Employee Treatment Courts may charge participants a reasonable program fee up to \$1,000, but the fee must be based on the participant's ability to pay. OCA indicates no significant fiscal impact to the local government system is anticipated.

According to Dallas County, an additional specialty court would cost an estimated \$500,000.

According to El Paso County, an additional specialty court would have a negative fiscal impact on the county as such courts require grant funding as well as supplemental local funding to ensure availability of staffing and support resources.

According to Galveston County, the fiscal impact is not anticipated to be significant.

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

LBB Staff: UP, LBO, MW, GDz, JGA