

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 11, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB465** by White (relating to the administrative, civil, and criminal consequences, including fines, fees, and costs, imposed on persons arrested for, charged with, or convicted of certain criminal offenses.), **Committee Report 1st House, Substituted**

The bill would have a negative, but indeterminate, fiscal impact to the state due to anticipated decreases in revenue associated with an unknown number of defendants being unable to pay court costs and fees.

The bill would amend the Code of Criminal Procedure and the Transportation Code by making changes to the assessment and collection of criminal court costs for defendants who are financially unable to pay their fines, fees, and costs imposed when arrested for, charged with, or convicted of certain criminal offenses.

The bill would require a court to hold a hearing to determine whether the portion of fines, fees, and costs that pertain to the judgement of the case impose an undue hardship on the defendant and would have to consider allowing the defendant to satisfy the fines, fees, and costs through other methods including paying at a later date, performing community service, waiving the fine and costs in whole or in part, or a combination of methods.

The bill would amend the Transportation Code by allowing a court to waive the \$20 administrative fee imposed on a person for failure to appear or pay a fine in a traffic case if the person is indigent, as determined by the municipality where the offense occurred.

The provisions of the bill would only apply to actions occurring on or after the effective date of the bill.

The bill would take effect September 1, 2019.

Local Government Impact

The Justice of the Peace and Constables Association anticipates a significant fiscal impact to Texas counties due to increased administrative costs and lost revenue from fines and fees, but the impact cannot be determined at this time.

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

Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: WP, AF, LBO, MW, DA, SMi