

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 13, 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: HB2754** by White (Relating to the issuance of a citation or notice to appear for certain misdemeanors punishable by fine only and the court's authority to order a defendant confined in jail for failure to pay a fine or cost, for failure to appear, or for contempt.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure and the Transportation Code to require the issuance of a citation in all fine only offenses in lieu of taking the person into custody with certain exceptions. The bill would prohibit a judge from issuing an arrest warrant for failure to appear at an initial court setting in a fine-only offense unless the offense is an assault and would establish certain requirements for warrants in these cases. The bill would require certain notifications from officers who stop a person for a fine-only offense and would require the Commission on Law Enforcement (TCOLE) to specify the language for this notification. The bill would require a county or municipal jail to release defendants held on September 2, 2019 for reasons that would be prohibited under the bill.

According to TCOLE, no fiscal implication to the State is anticipated.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of Court Administration (OCA), no significant impact to the state court system is anticipated.

**Local Government Impact**

According to OCA, local governments would see a decrease in costs due to fewer served warrants as well as reduced jail costs. However, the agency does not have sufficient information with which to calculate the impact.

According to the Texas Municipal League, municipal courts could not issue a *capias pro fine* to enforce a judgement when the defendant fails to pay. Although the costs from this cannot be determined, because it would depend on how many defendants would fail to satisfy the judgement requirements, they could be significant if the court does not have an effective way to enforce judgements rendered.

According to the Justices of the Peace and Constables Association, the bill is expected to have a significant fiscal impact on counties due to uncollected fines and court costs. However, the dollar amount of this revenue loss cannot be determined.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts, 405 Department of Public Safety, 407  
Commission on Law Enforcement

**LBB Staff:** WP, LBO, SD, GP