

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 9, 2019

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

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

IN RE: HB4606 by White (Relating to youth diversion programs for children accused of certain fine-only offenses and related criminal justice matters; authorizing and imposing fees.),
As Introduced

The fiscal implications of the bill cannot be determined at this time. Provisions of the bill that would remove judicial discretion on how, or whether, certain fines should be paid by certain defendants could increase state revenue.

The bill would amend the Code of Criminal Procedure, the Family Code, and the Government Code to create a set of diversion programs for non-traffic Class C fine-only offenses committed by children under 17 years of age. The bill specifies several diversion strategies and would require each justice and municipal court or group of courts in a county or city to adopt a youth diversion plan and to specify strategies for that plan. The bill specifies certain requirements for the operation of these diversion programs. The bill would repeal provisions of the Code of Criminal Procedure that currently require a court, a judge, or justice to inquire whether a defendant has sufficient resources or income to immediately pay all or part of a fine or costs imposed by a court.

The bill would permit the clerk of a justice or municipal court to collect a \$30 administrative fee from the parents of a child in a diversion program but would prohibit the collection of the fee in certain circumstances. Fees collected would be required to be deposited in a special account to offset the cost of the operations of the diversion program. According to the Comptroller of Public Accounts (CPA), fees imposed by the bill are retained locally.

The bill would rename GR Account 5164 Truancy Prevention and Diversion Fund to the Youth Diversion Fund and would expand the use of these funds to defray the costs of youth diversion programs. The bill would expand the collection of a \$50 juvenile delinquency prevention and graffiti eradication fee to include justice or municipal court and would permit these funds to be used for youth diversion programs.

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

According to CPA, provisions of the bill that would repeal portions of the Code of Criminal Procedure could result in an increase to state revenue. Under current statute, if a defendant is determined not to have sufficient resources, the court, judge, or justice is required to determine if the fine and costs should be paid at a later date, discharged by performing community service,

waived in full or in part, or satisfied through a combination of these methods. The fiscal impact of these provisions cannot be estimated.

According to the Commission on Law Enforcement, the costs of the bill would depend on the terms of the diversion agreement.

According to the Juvenile Justice Department, no fiscal implication to the State is anticipated.

Local Government Impact

According to OCA, while there may be a cost to local governments to implement the diversion strategies, the agency assumes that the cost would be offset by the administrative fee that is allowed to be collected and the court cost revenue that would be able to be expended on the program. Therefore, the agency anticipates no significant fiscal impact to units of local government.

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 407 Commission on Law Enforcement, 644 Juvenile Justice Department

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