

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

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

**March 17, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

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

**IN RE:** **SB346** by Zaffirini (Relating to the consolidation and allocation of state criminal court costs; increasing the amounts of certain court costs and reducing the amounts of certain other court costs.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB346, As Introduced: a positive impact of \$36,921,000 through the biennium ending August 31, 2021; however, there are increases and decreases to several General Revenue-Dedicated accounts and Other Funds under this bill's provisions as listed below.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	\$20,171,000
2021	\$16,750,000
2022	\$13,692,000
2023	\$10,745,000
2024	\$7,898,000

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1</b>	<b>Probable Revenue Gain/(Loss) from <i>Law Officer Stds &amp; Ed</i> <i>Ac</i> 116</b>	<b>Probable Revenue Gain/(Loss) from <i>Criminal Justice Plan</i> <i>Ac</i> 421</b>	<b>Probable Revenue Gain/(Loss) from <i>Crime Victims Comp</i> <i>Acct</i> 469</b>
2020	\$20,171,000	\$810,000	\$2,234,000	\$6,121,000
2021	\$16,750,000	\$785,000	\$2,165,000	\$5,933,000
2022	\$13,692,000	\$761,000	\$2,098,000	\$5,750,000
2023	\$10,745,000	\$737,000	\$2,032,000	\$5,571,000
2024	\$7,898,000	\$713,000	\$1,968,000	\$5,399,000

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from <i>Jud &amp; Court Training</i> <i>Fd</i> 540</b>	<b>Probable Revenue Gain/(Loss) from <i>Law Erf Mgmt Instit</i> <i>Acct, estimated</i> 581</b>	<b>Probable Revenue Gain/(Loss) from <i>Crime Stop Assistance</i> <i>Acc</i> 5012</b>	<b>Probable Revenue Gain/(Loss) from <i>Breath Alcohol Test</i> <i>Acct</i> 5013</b>
2020	\$764,000	\$347,000	(\$82,000)	\$90,000
2021	\$740,000	\$336,000	(\$78,000)	\$87,000
2022	\$714,000	\$325,000	(\$76,000)	\$85,000
2023	\$691,000	\$314,000	(\$72,000)	\$82,000
2024	\$668,000	\$305,000	(\$70,000)	\$79,000

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from <i>Juv Crime &amp; Delinq</i> <i>Cntr, estimated</i> 5029</b>	<b>Probable Revenue Gain/(Loss) from <i>Fair Defense</i> 5073</b>	<b>Probable Revenue Gain/(Loss) from <i>Correctional Mgt</i> <i>Institute, est</i> 5083</b>	<b>Probable Revenue Gain/(Loss) from <i>EMS, Trauma</i> <i>Facilities/Care Systems</i> 5108</b>
2020	\$184,000	(\$2,796,000)	\$177,000	\$183,000
2021	\$177,000	(\$3,882,000)	\$171,000	\$66,000
2022	\$170,000	(\$3,752,000)	\$164,000	(\$47,000)
2023	\$164,000	(\$3,625,000)	\$157,000	(\$155,000)
2024	\$158,000	(\$3,504,000)	\$151,000	(\$260,000)

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from <i>Trauma Facility And</i> <i>Ems</i> 5111</b>	<b>Probable Revenue Gain/(Loss) from <i>Emergency Radio</i> <i>Infrastructure</i> 5153</b>	<b>Probable Revenue Gain/(Loss) from <i>Drug Court</i> 5174</b>	<b>Probable Revenue Gain/(Loss) from <i>State Highway Fund</i> 6</b>
2020	\$633,000	\$767,000	(\$2,000,000)	(\$75,000)
2021	(\$245,000)	\$732,000	(\$2,000,000)	(\$79,000)
2022	(\$1,093,000)	\$697,000	(\$2,000,000)	(\$84,000)
2023	(\$1,911,000)	\$665,000	(\$2,000,000)	(\$88,000)
2024	(\$2,700,000)	\$634,000	(\$2,000,000)	(\$92,000)

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573</b>	<b>Probable Revenue Gain/(Loss) from <i>Law Enforcement</i> <i>Retirement Fund 977</i></b>
2020	(\$18,992,000)	\$1,811,000
2021	(\$19,822,000)	\$1,752,000
2022	(\$20,623,000)	\$1,695,000
2023	(\$21,397,000)	\$1,641,000
2024	(\$22,143,000)	\$1,587,000

## Fiscal Analysis

The bill would make amendments to several different codes relating to the allocation of state criminal court costs, would increase certain court costs, reduce certain other court costs, and repeal court costs.

The bill would amend the Local Government Code to increase the consolidated court cost charged for felony convictions from \$133 to \$185, for Class A and B misdemeanor convictions from \$83 to \$160, and for certain Class C misdemeanor convictions from \$40 to \$122. The bill would lower the consolidated court cost for convictions of a criminal violation of a city or county ordinance from \$40 to \$30 and would include convictions of an offense related to a pedestrian or the parking of a motor vehicle for this assessed court cost. The bill would allow the Texas Judicial Council to adjust the consolidated court cost amounts for each class of offense to account for inflation and requires the council to determine the amounts of the costs that will be in effect on January 1st of each calendar year. The bill would require the Office of Court Administration to publish the court cost amounts on January 1st of each calendar year on both the agency's website and for distribution to court clerks.

The bill would make several changes to the distribution of the consolidated court cost by changing the percentage distribution of revenue for existing purposes and adding additional purposes to which consolidated court cost revenue would be directed. In circumstances where a new item is added to the distribution, the bill also either repeals a related court cost or reduces the court cost to remove the amount remitted to the state while retaining the amount retained by local governments. See below for a list of those court costs amended through the bill that are independent of the consolidated court cost.

The table below provides a comparison of these changes from current law versus those proposed in the bill.

Consolidated Court Cost Item	Account	Current Law Percent Distribution	Senate Bill 346 Percent Distribution
Bill Blackwood LEMI	GR-D 581	2.1683	1.1292
Breath Alcohol Testing	GR-D 5031	0.5507	0.2875
Center for Study of Juvenile Crime (Prairie View A&M)	GR-D 5029	1.209	0.6255
Correctional Management Institute of Texas	GR-D 3704	1.209	0.623
Crime Stoppers Assistance	GR-D 5012	0.2581	0.1354
Crime Victims' Compensation	GR-D 469	37.6338	19.6314
Criminal Justice Planning	GR-D 421	12.5537	6.613
Emergency Radio Infrastructure	GR-D 5153	5.5904	2.8571
Fair Defense Account	GR-D 5173	17.8448	11.4938
Judicial Court Personnel Training Fund	GR-D 540	4.8362	2.5137
Law Enforcement Officers Standards and Education	GR-D 116	5.0034	2.6094
Law Enforcement Retirement Fund	GR-D 977	11.1426	5.8154
State Highway Fund	Fund 6 (Other Fund)	No Distribution	0.0328
Judicial Fund	Fund 573 (Other Fund)	No Distribution	7.682
EMS Trauma Fund	GR-D 5111	No Distribution	1.0796
Designated Trauma Facility & EMS	GR-D 5108	No Distribution	8.1245

General Revenue	GR	No Distribution	12.2514
General Revenue - Traffic Fine	GR	No Distribution	16.4953

The bill would reduce a one-time restitution fee imposed on defendants who make restitution payments in installments and eliminate the portion of the fee remitted to the state. The bill would reduce court costs imposed on certain Class B misdemeanor or higher offenses and eliminate the portion of the court cost remitted to the state. The bill would reduce fees related to time payment plans and eliminate the portion of the fee remitted to the state. The bill would reduce the administrative fee related to failure to appear, pay, or satisfy certain judgment and eliminate the portion of the fee remitted to the state. The bill would redirect certain funds based on revised consolidated court costs allocation.

The bill would repeal the following statutes containing various court costs and fees and makes conforming changes to other parts of statute associated with these repeals:

Article 102.0045 of the Code of Criminal Procedure which imposes a \$4 jury reimbursement fee on persons convicted of any offense with certain exceptions.

Article 102.0185 of the Code of Criminal Procedure which imposes a \$100 cost on convictions related to intoxication and alcoholic beverage offenses.

Article 102.020 of the Code of Criminal Procedure which imposes court costs related to DNA testing in the amount of \$250, \$50, or \$34 depending on the type of offense and offense level.

Article 102.022 of the Code of Criminal Procedure which imposes a civil justice fee of 10 cents on defendants convicted of moving violations.

Section 54.0411 of the Family Code which imposes a \$20 fee on certain juvenile probation hearings.

Section 51.702 and 51.703 of the Government Code which imposes a \$15 fee on criminal convictions in statutory county courts and certain county courts with certain exceptions.

Section 133.104 of the Local Government Code which requires 20 percent of fees imposed for services of peace officers employed by the state to be forwarded to the comptroller.

Section 133.105 of the Local Government Code which imposes a \$6 fee on persons convicted of any offense with certain exceptions for the support orelated purposes.

Section 133.107 of the Local Government Code which imposes a \$2 fee on persons convicted of any offense with certain exceptions to support indigent defense.

Section 542.4031 of the Transportation Code which imposes a \$30 state traffic fine on a person convicted of a traffic offense or who plead guilty or nolo contendere.

**Methodology**

The tables above provide estimated fiscal impacts to each of the General Revenue, General Revenue-Dedicated, and Other Funds that would be impacted by the provisions of the bill using revenue estimates as provided by the Comptroller of Public Accounts. This is based on the Comptroller's Biennial Revenue Estimate for the 2020-21 biennium, and court cost revenue estimates assume a 3.5 percent decrease for each fiscal year of the 2020-21 biennium and

continuing through fiscal year 2024.

**Local Government Impact**

The bill's impact on local governments cannot be determined; however, it is anticipated that local governments would see an increase in revenue resulting from the \$0.50 increase in the amount of the time payment fee retained by local governments as provided in the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 300 Trusted Programs Within the Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System, 405 Department of Public Safety, 407 Commission on Law Enforcement, 537 State Health Services, Department of, 601 Department of Transportation, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 758 Texas State University System

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