

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

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

**May 6, 2019**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE:** SB1637 by Zaffirini (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 allow a court to reconsider the waiver of court costs and order the defendant to pay court costs if it is determined that the defendant has financial resources to do so on the court's own motion and during the community supervision period.

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**

No significant fiscal implication to units of local government is anticipated.

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

**LBB Staff:** WP, LBO, MW, GDz, AF, LCO