

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 23, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB497 by Wu (Relating to the deduction of a fee from certain funds withdrawn from a court registry in certain criminal cases.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to prohibit a clerk from deducting an administrative fee when refunding a cash bond or cash bail bond in a criminal case if the defendant was found not guilty after a trial or appeal or the case was dismissed without a plea of guilty or nolo contendere being entered. The bill would require the clerk to refund the administrative fee retroactively upon request if the fee would have been prohibited under the bill's provisions. The current administrative fee is 5% of the amount withdrawn or \$50, whichever is less. The bill's provisions would not apply to funds in accounts that have earned interest.

Based on information provided by the Office of Court Administration, no fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

According to the Texas Association of Counties, there would be a significant fiscal impact to counties by removing the ability for a clerk to charge an administrative fee from the withdrawal of cash bonds or cash bail bonds filed in their office. The exact amount cannot be estimated at this time.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, BH