

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 14, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1923 by Zaffirini (Relating to certain criminal court costs, fines, and fees.), **As Introduced**

The fiscal implications of the bill cannot be determined because the fines and reimbursement fees that would be applied to additional defendants who are given deferred adjudication, deferred disposition, or deferral of judgment is unknown.

The bill would amend the Code of Criminal Procedure to define the meaning of conviction for purposes of assessing court costs, fees, and fines under Title 2 of the Code to include deferred adjudication, deferred disposition, and deferral of imposition of the judgment. Under current law in the Code of Criminal Procedure, unless otherwise indicated, the term “conviction” does not include these types of judgments.

The bill would amend the Government Code to provide an exception to the implementation of new or amended court costs and fees. Under the bill's provisions, the effective date of a law imposing or changing the amount of a court cost or fee is the next January 1 following the effective date of the law, unless the law takes effect on or after the January 1 following the regular session of the legislature that passed the law.

The bill would amend various other statutes to reclassify certain fines and fees as reimbursement fees.

Based on information provided by the Office of Court Administration (OCA) and the Comptroller of Public Accounts, the reclassifications would not change the amount or the allocation of the cost item. The application of some fines and reimbursement fees to additional defendants who are given deferred adjudication, deferred disposition, or deferral of the judgment could result in additional state revenue; however, the extent to which state revenue would be impacted cannot be estimated.

The bill would take effect September 1, 2021.

Local Government Impact

The application of some fines and reimbursement fees to additional defendants who are given deferred adjudication, deferred disposition, or deferral of the judgment will result in additional revenue to the local governments in certain accounts. The amounts will vary by jurisdiction based upon volume. However, OCA is unable to determine the impact at this time.

According to the Texas Association of Counties, there may be a positive fiscal impact on counties, but in an amount that cannot be determined.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts

LBB Staff: JMc, SLE, MW, BH, AF