

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 17, 2023

TO: Honorable Senfronia Thompson, Chair, House Committee on Youth Health & Safety, Select

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1977 by Morales Shaw (relating to the creation of a pretrial intervention program for certain youth offenders; authorizing a fee.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined because the amounts and timing of any civil penalties that may be collected are unknown.

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

This bill would amend the Government Code by adding Chapter 127 to create a pretrial intervention program for certain youth offenders (program). The program would be used to facilitate the aid and rehabilitation of eligible participants enrolled in the program and ultimately provide for dismissal and expungement of a criminal charge for a successful participant.

Under the bill's provisions, a defendant would be eligible for the program if arrested or charged with an offense that is punishable as a Class B misdemeanor or higher other than murder; capital murder, aggravated kidnapping; trafficking of persons; continuous trafficking of persons; indecency with a child; sexual assault; aggravated sexual assault; injury to a child, elderly individual, or a disabled individual; aggravated promotion of prostitution; compelling prostitution; sexual performance by a child; use of child in commission of offense; or manufacture or delivery of a controlled substance. The defendant would have to be considered a child as defined by the Family Code.

The bill would establish administrative rules for the specialty courts created for this program and conditions for participants of the program. The bill would allow a program to collect reimbursement fees to be used for the funding of the program.

The bill would amend the Code of Criminal Procedure to require deposit of civil penalty revenue from Government Code Chapter 127 to the drug court account in General Revenue to be used to fund the new intervention programs.

The bill would take effect September 1, 2023.

Based on the analysis provided by the Office of Court Administration, the bill would have no significant fiscal impact to the state court system as the bill would move eligible defendants from the criminal justice system into a specialty diversion court or other diversion program, expunging records on successful program completion.

Based on the analysis provided by the Comptroller of Public Accounts, the state does not currently collect any court costs on juvenile criminal offenses and any program reimbursement fees would remain local. As the amounts and timing of any civil penalties that may be assessed and collected are unknown, the fiscal impact cannot be estimated.

This legislation would do one or more of the following: create or recreate a dedicated account in the General

Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

The fiscal implications to units of local governments cannot be determined. Local government may incur some program start-up costs, however the bill provides for participants to reimburse counties a reasonable amount for the diversion program, testing, counseling, and treatment, based on ability to pay. The timing and amount of reimbursement fees that may be collected under the provisions of the bill are unknown.

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

LBB Staff: JMc, NPe, MW, JPa, DKN