

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2291 by Parker (Relating to increasing the punishment for certain persons convicted of the offense of possession or promotion of child pornography.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2291, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2017.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from Crime Victims Comp Acct 469	Change in Number of State Employees from FY 2015
2016	(\$273,073)	2.0
2017	(\$144,123)	2.0
2018	(\$144,123)	2.0
2019	(\$144,123)	2.0
2020	(\$144,123)	2.0

Fiscal Analysis

The bill would amend the Penal Code to enhance the punishment for the offenses of possession or promotion of child pornography. The bill would also amend the Code of Criminal Procedure to create the Compensation to Child Pornography Victims Fund as a dedicated account in the General Revenue Fund and require the Office of the Attorney General (OAG) to administer the

account.

This analysis assumes implementing the provisions of the bill would not result in a significant fiscal impact on state correctional agencies.

Under the bill provisions, the OAG indicated the fiscal impact for administering the Compensation to Child Pornography Victims Fund would be \$273,073 in fiscal year 2016, \$144,123 each fiscal year from 2017-2019, and \$159,123 in fiscal year 2020. Costs include salaries for 2.0 FTEs, general operating, lease space, postage, travel, capital equipment, and benefits.

The Office of Court Administration and the Comptroller of Public Accounts indicated the costs associated with implementation of the bill could be absorbed with existing resources. The Comptroller of Public Accounts (CPA) and OAG indicated the revenue collected from court order restitution 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.

The bill would take effect September 1, 2015.

Methodology

Currently, the OAG administers the Compensation to Victims of Crime Fund (Fund 469). However, under the bill provisions all compensation awards to victims of child pornography would be awarded from the Compensation to Child Pornography Victims Fund and Fund 469 would be available only for certain grants and administration costs. The Compensation to Child Pornography Victims Fund would be funded by court ordered restitution from offenders and compensation to victims could only be awarded if restitution is collected.

The OAG and CPA indicated the following are unknown factors related to the fiscal impact under the bill provisions:

- 1) The number of victims who would seek compensation;
- 2) The number of offenders who would be ordered to pay restitution; and
- 3) The amount of restitution that would be collected.

The bill provisions require the OAG to administer the Compensation to Child Pornography Victims Fund. The OAG estimates administering the Compensation to Child Pornography Victims Fund would require one Reimbursement Officer III (1.0 FTEs) and one Account I (1.0 FTEs) with a combined fiscal year cost of \$109,000 for salaries (\$81,416) and related benefits (\$27,584).

The OAG estimates it would provide training and informational materials to law enforcement personnel, court officials, and victim advocates, as well as develop a new business process related to applications for compensation from the Compensation to Child Pornography Victims Fund.

Technology

There would be a technology impact related to computer hardware, software, telecommunications equipment, and network storage estimated to be \$8,030 in fiscal year 2016 and \$4,680 in subsequent fiscal years.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

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