

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 18, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2398** by White, James (Relating to the establishment of judicial donation trust funds to assist needy children and families appearing before justice and municipal courts, dismissal of charges related to school attendance, and expunction of truancy records.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to permit the governing body of a municipality or the county commissioners court of a county to establish a judicial trust fund to assist children and families who appear in court for certain violations. Interest and income from the assets of the trust fund would be credited and deposited into the trust fund. Under the bill, the governing body of a municipality or the commissioners court would establish procedures to receive and disperse funds and establish the eligibility requirements to disperse money. The bill would permit a judge to award money from the judicial trust fund to eligible children or families who appear before the court for a truancy or curfew violation or in another misdemeanor proceeding. The bill would permit a county, justice, or municipal court to dismiss a charge against a defendant alleging the defendant committed certain offenses relating to truancy if the court finds the dismissal would be in the interest of justice.

The bill would require a court to order the expunction from an individual's record, including any documents in the possession of a school district or law enforcement agency. The bill would require the court to inform the individual of the expunction.

The Office of Court Administration (OCA) indicates no significant fiscal impact to the state judiciary is anticipated.

**Local Government Impact**

According to the Office of Court Administration, the bill could impose costs to local governments resulting from the need for court clerks to review all past records, for the courts to issue new orders of expunction, for the clerks to provide notice to school districts and law enforcement and the requirement that the court notify the individual of the expunction. The fiscal impact on a local entity would depend on the number of applicable cases in a local government's jurisdiction.

Travis, Midland, and El Paso Counties indicated they may have to add or reassign staff to expunge the records as required by the bill and to meet other requirements of the bill. The impact may be significant but cannot be determined at this time and would vary by jurisdiction.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, ESi, SD, EK, JQ