

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 30, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB130 by West (Relating to the eligibility of criminal defendants for an order of nondisclosure; authorizing a fee.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB130, As Introduced: a positive impact of \$1,202,320 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	\$601,160
2017	\$601,160
2018	\$601,160
2019	\$601,160
2020	\$601,160

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>Judicial Fund</i> 573	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>Statewide Electronic Filing System</i> 5157
2016	\$2,019,815	\$601,160	\$429,400
2017	\$2,019,815	\$601,160	\$429,400
2018	\$2,019,815	\$601,160	\$429,400
2019	\$2,019,815	\$601,160	\$429,400
2020	\$2,019,815	\$601,160	\$429,400

Fiscal Analysis

The bill would amend the Government Code and the Occupations Code to expand the number of persons eligible to file a petition for an order of nondisclosure.

Under current law, persons who are placed on deferred adjudication and successfully complete the community supervision associated with that deferred adjudication may file a petition. Persons who are convicted and then placed on community supervision are not eligible to file a petition. The bill would allow many (but not all) convicted persons who are placed on community supervision to file petitions if they successfully complete community supervision. The bill would take effect September 1, 2015.

Methodology

The Office of Court Administration (OCA) estimates the expansion of persons eligible to file a petition would result in approximately 22,600 persons each fiscal year filing such petitions. Of this amount, OCA estimates the bill would result in 21,470 additional persons filing petitions for orders of nondisclosure in district and county courts each year, after taking into account that the judge would waive the fees for some persons eligible to file on the basis of indigence (95 percent of 22,600 persons eligible = 21,470). OCA estimates that the additional workload associated with the filings (22,600) can be handled with existing resources within the court system.

The bill would produce additional filing fee revenue for the state due to the increase in civil case filings (21,470), generally \$154.50 per case in district court (5,531 filings) or \$144.50 per case in a county-level court (15,939 filings) for the following fees:

- (1) State Consolidated Fee - \$50.00 (district court only)
- (2) Judicial Support Fee -- \$42.00 or \$40.00, (depending on the type of case and level of court)
- (3) Petition for Nondisclosure Fee -- \$28.00
- (4) Statewide E-Filing Fee - \$20.00
- (5) Indigent Legal Services Fee -- $\$10.00 \times .95 = \9.50

OCA estimates total amount of new state revenue from filing fees (21,470) due to the increase in the number of petitions for orders of nondisclosure filed would be \$3,050,375 each fiscal year, accruing to three accounts: 1) the Judicial Fund No. 573 (Other Funds); 2) General Revenue; and 3) the General Revenue-Dedicated Statewide Electronic Filing Account No. 5157.

Local Government Impact

The bill is expected to have a positive fiscal impact on local government entities because they retain a portion of civil filing fees; however, amount of new filing fee revenue per case will vary by county. According to the Office of Court Administration (OCA), the bill would result in 21,470 additional non-indigent persons filing petitions for orders of nondisclosure in district and county courts each year. OCA estimates that there is likely to be \$125.50 in new filing fee revenue from each petition resulting in \$2,694,485 in new revenue to counties. Additionally, there could be an additional \$107,350 each fiscal year in new revenue from the Appellate Judicial System Filing Fee ($\$5 \times 21,470$), which is collected locally and spent locally in support of the appellate court in an appellate judicial district.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, KJo, MW, TB, KVe