

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 3, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB631 by Harris (Relating to the suspension of sentence and the deferral of adjudication in cases involving certain misdemeanor traffic offenses.), **Committee Report 1st House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by allowing a judge's discretion to defer further proceedings without entering into an adjudication of guilt and place a defendant on probation for a period not to exceed 180 days for persons pleading guilty in a misdemeanor case punishable by fine. The bill would not apply to offenses involving construction or maintenance zones, or to persons who hold a commercial driver's license, or to persons who commit a serious traffic violation. The bill would also amend the Transportation code by repealing the existing Statement of Right Provided on Notice to Appear provision, and the existing Offense in Construction or Maintenance Work Zone provision. The bill would also the Department of Public Safety to change the driver information that appears on the back of the notice to appear. Costs of reprinting an adequate supply of arrest tickets with the updated notice would not be significant. The change in law would apply only to an offense committed on or after September 1, 2003.

Local Government Impact

If a municipal court or justice court were to impose a fee in addition to court costs, fees, and administrative fees, the additional fee would amount to between the proposed minimum of \$10 and the maximum fine for a Class C misdemeanor, which is \$500.

According to reports available on the Office of Court Administration's (OCA) website, in fiscal year 2002, there were 436,253 non-parking traffic violation cases dismissed in municipal courts after completion of a driving safety course; 203,270 non-parking traffic violation cases dismissed in justice courts after completion of a driving safety course; and 105,271 juvenile cases in municipal court for violations of the Transportation Code, for a total of 744,794 traffic violations to which the proposed additional fee may apply. The OCA report does not specify the level of traffic violations reported; therefore, an assumption is being made for the purposes of this analysis that all would be affected under the proposed amendment to statute.

If the same number of applicable cases were to be filed in coming years, and if an additional \$10 fee were to be imposed in all 744,794 cases, the courts would experience a cumulative statewide revenue gain of over \$7.4 million. If the courts were to impose the maximum additional fee of \$500, which is not expected, the courts would experience a cumulative statewide revenue gain of more than \$37.2 million.

The revenue gain would vary by court and depend on the number of applicable cases and the amount imposed by the court.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: JK, WK, GG