

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 16, 2005

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

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB703 by Elkins (Relating to the deferral of adjudication in cases involving certain misdemeanor traffic offenses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would authorize a judge to require a defendant who requests to take a driving safety or motorcycle operator training course for dismissal of a traffic offense to pay a fee of \$10 for the court to obtain a copy of the defendant's driving record from the Department of Public Safety (DPS). The custodian of the municipal or county treasury would be required to keep a record of the fees and, without deduction, forward the fees to the Comptroller of Public Accounts. The Comptroller would be required to credit the fees to DPS.

The bill would take effect September 1, 2005 and would apply only to an offense committed on or after that date.

Under current statute, the defendant is required to obtain a copy of their driving record to present to the court when seeking to take a driving safety or motorcycle training course to dismiss a traffic violation. The cost for obtaining the required certified copy of a complete driving history is \$10 in person or \$12 online.

According to the Comptroller of Public Accounts, the agency would incur administrative costs of approximately \$38,000 in the first year of implementation to update the agency's computer system.

DPS would not experience a revenue gain because the basic cost of \$10 for obtaining a copy of a defendant's driving record would not change. DPS indicates the agency would experience an insignificant fiscal impact for operational costs.

Local Government Impact

Municipalities and counties would experience administrative costs for collecting the fees, keeping records, and forwarding the fees to the comptroller. The fiscal impact would vary, depending on how many cases in which the court orders a driver record; however, no significant fiscal implications are anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety

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