

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 2, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB781 by Thompson (Relating to the suspension of sentence and deferral of final disposition for a violation of certain state laws or local ordinances committed by a holder of a commercial driver's license.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Article 45.051(f), Code of Criminal Procedure, to authorize a judge to defer adjudication and place a person on community supervision (probation) for a period not to exceed 180 days for a parking offense committed by a person who holds a commercial license. Under current statute, the option of deferred adjudication for a traffic offense committed by a person who holds a commercial driver's license does not apply. The bill would specify that deferred adjudication would not be an option for a violation of a state law or local ordinance related to motor vehicle control committed by a holder of a commercial license, but would apply only to a parking violation by those licensees. Based on the existing requirements of Article 45.051(a), the parking violation would have to be a misdemeanor punishable by fine only to be eligible.

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

The state provides a portion of the supervision costs to the community supervision and corrections departments (CSCD) at a rate of \$0.70 per person per day on direct misdemeanor community supervision for no more than 182 days. The number of persons anticipated to be placed on deferred adjudication under provisions of the bill is expected to be minimal, and therefore the state would not incur a significant fiscal impact.

Local Government Impact

It is assumed a judge would place only a small number of holders of a commercial license on community supervision for a parking offense; therefore, the increase in costs to a CSCD for supervising those persons is not expected to have a significant fiscal impact.

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

LBB Staff: JOB, KJG, JB, DLBa