

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: HB970 by Keel (Relating to the required mental state for commission of certain misdemeanor offenses.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Penal Code to prohibit a municipal ordinance or an order by a county commissioners court from dispensing with the requirement of a culpable mental state (actions that are intentional, knowing, reckless, or criminal negligence) in the definition of an offense that is punishable by a fine only, with the fine not to exceed \$500. The bill would take effect September 1, 2005.

If an ordinance or order exists that does not allow for consideration of a culpable mental state, removal or revision of the ordinance or order would have an insignificant fiscal impact, as the changes would be administrative. Results of changes to ordinances or orders would possibly have an impact on court procedures and fines collected, but it is expected that the fiscal impact would be insignificant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, DLBa