

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 15, 2005

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

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

IN RE: SB1005 by Carona (Relating to the suspension of sentence and the deferral of final disposition for a defendant younger than 25 in certain misdemeanor traffic cases.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure as it relates to the suspension of sentence and the deferral of final disposition for a defendant younger than 25 years of age who commits a traffic offense classified as a moving violation and that is under the jurisdiction of a justice court or municipal court. The bill would take effect September 1, 2005 and would apply only to an offense committed on or after that date.

For a defendant aged 25 years or younger who does not satisfactorily complete the requirements imposed by the court, the court would be required to assess the full fine. Under current statute, the court has discretion of imposing the full fine or a lesser fine upon any person who does not satisfactorily complete the conditions of deferral. If the defendant held a provisional license, the judge would require the defendant to take the driving or demonstration portion of the drivers examination. A person taking the driving portion of the driver's examination would have to pay a \$10 examination fee. The \$10 examination fee would be deposited in a special account in the General Revenue Fund and could be used only by the Department of Public Safety for administration of Chapter 521, Transportation Code. While the proposed change could increase revenue, the amount is not expected to be significant.

The bill would create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside the Treasury, or create a dedicated revenue source. Therefore, the fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

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