

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 5, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB312** by Turner (Relating to the burden of proof in a community supervision revocation hearing regarding a defendant's ability to make certain court-ordered payments. ),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure by specifying that in community supervision revocation hearings at which it is alleged that the defendant violated the conditions of community supervision by failing to make certain court-ordered payments, the state must prove by a preponderance of the evidence that the defendant was able to pay and did not pay as ordered by the judge.

It is assumed that the bill would not significantly affect the operations of state or local government.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG