

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 12, 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.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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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 pay compensation, the state must prove by a preponderance of the evidence that the defendant was able but unwilling to 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