

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 7, 2007

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

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

IN RE: HB1234 by Smith, Todd (Relating to a defendant's eligibility to be placed on deferred adjudication for certain intoxication offenses and to the consequences of that deferred adjudication.), **Committee Report 1st House, Substituted**

While the overall fiscal impact to state and local government is not expected to be significant, the bill does not meet federal motor carrier safety provisions which govern deferred adjudication and its qualification requirements for commercial drivers. Enactment of the bill could result in a loss of federal highway fund revenue to the state in an amount of approximately \$165.8 million in fiscal year 2008 and \$320.3 million each subsequent fiscal year.

The bill would amend the Code of Criminal Procedure by modifying the list of offenses for which an offender would be ineligible for judge-ordered deferred adjudication community supervision. The bill would also amend the Government Code as it relates to criminal history records for those placed on deferred adjudication community supervision for certain intoxication offenses. The bill would amend the Penal Code as it relates to punishment enhancement for certain intoxication related offenses. The bill would also amend the Transportation Code as it relates to requirements for automatic license suspension. Under the provisions of the bill, a person would be considered finally convicted if 1) a sentence is imposed, 2) the defendant receives community supervision or deferred adjudication, or 3) the court defers final disposition of the case.

This bill would take effect September 1, 2007 and apply only to an offense committed on or after the effective date.

It is assumed this 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: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: JOB, GD, ES, GG, LM, KJG