

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 15, 2007

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: HB1623 by Phillips (Relating to certain offenses and fees imposed for operating a motor vehicle or vessel in violation of law.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend various sections of Chapters 502 and 521 of the Transportation Code and Chapter 31 of the Parks and Wildlife Code to add to the offenses for which a court would be authorized to dismiss a charge when certain conditions are met and the defendant pays an administrative fee not to exceed \$10. The bill would amend other sections of Chapter 521, Transportation Code, to change from \$10 to \$20 the administrative fee for dismissing certain other offenses.

Under provisions of the bill, the offense of Driving While License Invalid would be classified as a Class C misdemeanor unless it is shown at trial that the person has a previous conviction of certain offenses, in which case it would be a Class B misdemeanor. If it is shown that the person has been convicted two or more times, the offense would be a Class A misdemeanor. Under current statute, a first offense is punishable by a fine of not less than \$100 or more than \$500 and confinement in county jail for between 72 hours and six months. Under current statute, a second offense is a Class A misdemeanor, and there are no specifications for having been convicted of more than two applicable offenses.

The bill would apply only to an offense that occurs on or after the effective date, which would be September 1, 2007.

A portion of certain fines and fees collected locally are submitted to the state. The fiscal impact from the proposed changes would depend on the number of cases dismissed, number of convictions, and discretion of the courts. However, the revenue gain is not expected to be significant.

Local Government Impact

Courts would experience a revenue gain resulting from imposing an administrative fee for offenses for which dismissal and an administrative fee were not currently authorized, as well as a gain from increasing from \$10 to \$20 other administrative fees; the revenue gain would vary by court, depending on how many applicable cases are dismissed and what amount up to \$10 or \$20 is imposed; however, no significant fiscal implication is anticipated.

The fiscal impact resulting from the proposed changes in punishments would vary by court depending on the number of applicable cases that are heard and number of convictions that occur. No significant fiscal implication to units of local government is anticipated as a result of these changes.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KJG, DB