

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 19, 2007

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

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

IN RE: HB1939 by Escobar (Relating to the authority of certain peace officers to dispose of a case based on a Class B misdemeanor without taking the alleged offender before a magistrate.),
As Introduced

No fiscal implication to the State is anticipated.

The bill would add Article 14.07 to the Code of Criminal Procedure to authorize a peace officer to dispose of a case based on certain Class B misdemeanors without taking the alleged offender before a magistrate only under certain circumstances listed in the bill. A peace officer would be authorized to refer an alleged offender to a governmental agency other than a court, to one or more service providers on a list approved by the judges or the local community justice council, or issue a warning.

Not later than December 1 of each calendar year, a law enforcement agency that is authorized to dispose of a case as provided by Article 14.07 would be required to report to the judges or the community justice council indicating the number and kind of dispositions made during that year by the law enforcement agency.

It is assumed that because the provisions of the bill require guidelines to be established by the district judges and statutory county judges or the community justice council for the counties in which the arrests occur, that the provisions of the bill would apply to local law enforcement agencies only.

Local Government Impact

If a peace officer were to dispose of cases as described in the provisions of the bill, there would be a slight savings for the office of the magistrate in reduced dockets and a savings for a county jail if the alleged offender were otherwise to have been charged with a Class B misdemeanor, found guilty, and sentence to jail. There would be a reduction in fines collected from alleged offenders whose case is disposed by a peace officer.

A law enforcement agency would likely experience a slight increase in costs of enforcement if peace officers were to dispose of cases. A law enforcement agency would also incur minimal administrative costs for tracking statistics and reporting as required by the proposed statute.

The fiscal impact would vary by each affected local government entity depending on whether the applicable judges or the applicable community justice council were to choose to adopt guidelines and the law enforcement agency were to implement the procedures, as well as the number of cases disposed.

Source Agencies:

LBB Staff: JOB, ES, JB, DB