

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 14, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: SB1323 by Whitmire (Relating to the amount of a surcharge assessed on conviction of certain intoxicated driver offenses on the driver's license of certain persons who complete a drug court program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1323, As Introduced: a negative impact of (\$26,403,000) through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$11,735,000)
2011	(\$14,668,000)
2012	(\$14,668,000)
2013	(\$14,668,000)
2014	(\$14,668,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from Trauma Facility And Ems 5111
2010	(\$11,735,000)	(\$11,502,000)
2011	(\$14,668,000)	(\$14,378,000)
2012	(\$14,668,000)	(\$14,378,000)
2013	(\$14,668,000)	(\$14,378,000)
2014	(\$14,668,000)	(\$14,378,000)

Fiscal Analysis

The bill would authorize a judge administering a drug court program to order the Department of Public Safety (DPS) to reduce the amount of the annual surcharge under the Driver Responsibility Program on the driver's license of a person convicted of an offense related to the operation of a motor vehicle while intoxicated. The offender must not be arrested for another offense of driving while intoxicated in the 180 days after completing the drug court program. The reduced surcharge amount may not be less than 20 percent of the full amount of the surcharge.

Methodology

It is unknown how many offenders paying surcharges under the Driver Responsibility Program (DRP) for offenses related to driving while intoxicated would be eligible to participate in the drug court program, and also unknown is the extent to which judges administering drug court programs

would reduce these surcharges. Offenders under the DRP pay surcharges for three years. The Comptroller of Public Accounts has assumed that in the first year of implementation, 50 percent of all offenders in their second and third years of surcharge payment would discontinue paying surcharges under the program. In subsequent years, it is assumed that 50 percent of all offenders in their second year of surcharge payment and 75 percent - or half again - of all offenders in their third year of payment would discontinue paying surcharges under the program. Assuming that the current DRP collection rates would continue, it is estimated that the annual revenue loss from this bill would be \$23,237,000 in All Funds in fiscal year 2010 and \$29,046,000 in All Funds in subsequent fiscal years.

DRP revenues are allocated to the General Revenue Fund and General Revenue-Dedicated Designated Trauma Facility and EMS Fund 5111 (Trauma Fund). DPS is allocated one percent of revenues for administration from the General Revenue Fund, and the remaining 99 percent of revenues are divided equally between General Revenue Fund and the Trauma Fund. Therefore, the estimated revenue loss in fiscal year 2010 of \$23,237,000 in All Funds would include \$11,735,000 in General Revenue Funds and \$11,502,000 in Trauma Funds. The estimated annual revenue loss in subsequent fiscal years of \$29,046,000 in All Funds would include \$14,668,000 in General Revenue Funds and \$14,378,000 in Trauma Funds.

Local Government Impact

No significant fiscal implication to a drug court is anticipated as a result of additional administrative and judicial duties associated with provisions of the bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: JOB, ESi, GG, HC, LG, TP