

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 29, 2011

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

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

IN RE: HB350 by Walle (Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to allow a justice or a judge to dismiss all or part of a defendant's costs or fines for a Class C misdemeanor if the defendant is under the age of 17 and the offense was committed on the primary or secondary school property that the defendant was enrolled in at the time of the offense. The justice or judge could dismiss a defendant's costs or fines in the amount of not less than \$50 per eight hours of community service or require attendance in a tutoring program. Under current statute, courts currently have the option to require an eligible defendant to discharge all or part of the fines by performing community service.

A Class C misdemeanor is punishable by a fine of not more than \$500.

According to the Office of Court Administration (OCA), in some jurisdictions, 58 percent of the total number of citations issued to minors involve offenses on school grounds; therefore, the provisions of the bill may apply to a large number of cases. Although there may be an increased number of cases, the provisions of the bill are not anticipated to have a significant fiscal impact on the affected courts.

According to the Comptroller of Public Accounts (CPA), the effect on the bill on court costs and fines cannot be determined. However, this analysis assumes that to the extent a judge waives fines and costs in lieu of service, no significant loss in revenue to the state is anticipated.

Local Government Impact

Costs associated with enforcement and revenue gain from fines imposed and collected would vary depending on the number of offenses, but are not anticipated to have a significant fiscal implication.

According to the City of Austin Municipal Court, the fiscal impact is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 665 Juvenile Probation Commission

LBB Staff: JOB, ESi, TP