

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

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

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

IN RE: HB1113 by Raymond (Relating to the sentencing hearing or deferred adjudication hearing and conditions of community supervision for defendants convicted of certain offenses involving controlled substances.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to allow a court that handles criminal cases to hold sentencing hearings or deferred adjudication hearings in drug cases at a secondary school under certain conditions. The bill would allow a judge to credit a defendant for hours of community outreach performed under this provision in lieu of hours of community service. To the extent the bill would result in court hearings at secondary schools, which would require the services of a judge, court clerk, court reporter, bailiff, and prosecutor, no significant impact on judicial workloads or fiscal implication to the state is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

The bill would make holding court on school grounds subject to the court's discretion, provided the defendant and school agree. Costs would vary by county related to holding court on school ground, including having deputy on hand to oversee security concerns, temporary set up for court operating, and perhaps travel costs if a hearing would be held at schools that are in different towns than a given court is located. However, because the number of such hearings is within the court's discretion, this analysis assumes local jurisdictions would take the opportunity to hold this type of hearing within existing resources, as appropriate. According to the Texas Education Agency school districts would experience varying and reasonable costs related to the accommodation of hearings, depending on the number and length, if defendants agree to have them conducted at a secondary campus.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Central Education Agency

LBB Staff: JOB, TB, ESi, ZS, LXH, KKR