

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB1964 by Villarreal (Relating to discharging fines and costs assessed against certain juvenile defendants through community service.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a justice or a judge to dismiss all or part of a defendant's fines or costs for a Class C misdemeanor through community service if the defendant is younger than 17 years of age. A justice or judge could not order more than 200 hours of community service, and may order a defendant to perform community service under Article 45.0492 only for a governmental entity or a nonprofit organization for a maximum of 16 hours per week. A defendant would be allowed to pay the fine and costs assessed at any time to discharge the community service obligation. A Class C offense is punishable by a fine of not more than \$500.

The bill would remove the liability for specified persons relating to damages arising from an act or failure to act in connection with community service performed by a defendant under this article under certain conditions defined by the provisions of the bill.

A local probation department or a court-related services office could provide administrative and other services necessary for the supervision of a defendant ordered to perform community service.

A justice or municipal court that has jurisdiction that finds that a child committed an offense could enter an order requiring the child to attend a special program approved by the governing body of the municipality or county if the program involves the expenditure of municipal or county funds.

The bill would take effect September 1, 2011.

Local Government Impact

There could be a loss of revenue if a judge ordered a defendant, younger than 17 years of age, to perform community service and dismissed all or part of the fines or costs assessed, but the amount would vary depending on the number of offenses committed by applicable defendants and whether a judge dismissed the fines or costs. It is assumed that a judge or justice would dismiss the fines and costs only if there would not be a negative fiscal impact.

The Nacogdoches Municipal Court reported there would be no fiscal impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 665 Juvenile Probation Commission, 696 Department of Criminal Justice

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