

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 11, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB3474 by Gallego (Relating to the offense of public intoxication.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 49.02 of the Penal Code to increase the range of activities which would be considered a public intoxication offense. A person younger than 21 years of age who consumes, possesses or purchases an alcoholic beverage in a public place would commit an offense. If an offense is committed in a gathering where participants are engaged in binge drinking, a judge could require the defendant to perform additional community services, require the defendant to attend an alcohol awareness program and order the Department of Public Safety (DPS) to suspend the defendant's driver's license. Under current statute, a person commits an offense if the person appears in a public place while intoxicated.

An offense is a Class C misdemeanor punishable by a fine of not more than \$500. If the offense is committed by a person younger than 21 years of age, the offense is punishable in the same manner as if the minor committed an offense to which Section 106.071 of the Alcoholic Beverage Code applies.

The Texas Department of Public Safety (DPS) reported there would be some costs to the Information Technology division for contractors for systems analysis, programming, database administration and program management to develop, test and implement the required changes, but no other costs are anticipated. This analysis assumes the Department of Public Safety could implement the provisions of the bill within existing appropriations.

The bill would take effect September 1, 2011.

Local Government Impact

There could be a fiscal impact for costs associated with enforcement, prosecution and or confinement; and revenue gain from fines imposed and collected, but the amounts would vary depending on the number of offenses committed. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, TP, AI