

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 11, 2011**

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

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

**IN RE: SB838** by Patrick (Relating to the penalty for driving while intoxicated.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to stipulate that at the time a person is arrested for an alcohol-related offense, if the person has an alcohol concentration level of 0.15 as shown by an analysis of a blood, breath, or urine specimen, the offense is a Class A misdemeanor. The change in law would apply only to an offense committed on or after the effective date of the bill, which would be September 1, 2011.

A Class A misdemeanor is punishable by a fine not to exceed \$4,000, confinement in jail for a term not to exceed one year, or both.

**Local Government Impact**

According to the Texas Commission on Jail Standards, the average cost for an inmate in a county jail is \$45 per day. Costs associated with enforcement, prosecution and confinement, and revenue gain from fines would vary depending on the number of offenses committed, the amount of fines and length of jail time imposed by the court; however, no significant fiscal implication is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ESi, TP