

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 16, 2013

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2266 by Larson (Relating to the enforcement and prosecution of children for certain fine-only misdemeanors.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would make extensive changes to the law regarding children charged with Class C misdemeanors. The bill would allow a convicted child defendant to elect whether to discharge assessed fines and costs by paying money or by performing community service. Under current law a child defendant may be allowed to perform community service in lieu of paying money at the judge's discretion. The bill would also establish that records relating to children accused of fine-only misdemeanors may not be disclosed to the public. The bill would make records related to the case of a child whose case has been dismissed after successfully complying with deferred disposition confidential in most circumstances. The bill makes the offenses of disruption of classes and disruption of transportation inapplicable to children younger than 12 years of age.

The bill would create special procedures for a child is alleged to have committed an offense other than a traffic offense on school property. A school district would be required to impose progressive sanctions before a complaint is filed for violations of disruption of class, disruption of transportation, or disorderly conduct. The bill would also prohibit the prosecution of a person under the age of 10 for fine-only misdemeanors and political subdivision penal ordinances, and would require a court with jurisdiction of fine-only misdemeanors and political subdivision penal ordinances to determine whether there is probable cause to believe that a child has a mental disability or lacks the capacity to understand the proceedings against him or her. If the court determines that probable cause exists, then the complaint is to be dismissed.

The Office of Court Administration reported a small revenue loss to the state in criminal court costs statewide. The bill would have no direct fiscal implications for the Foundation School Program or the operations of the Texas Education Agency. The Texas Juvenile Justice Department anticipates no fiscal impact from the bill.

Local Government Impact

The bill would modify misdemeanor offenses. Changes in costs associated with enforcement, prosecution, and confinement are not anticipated to have a significant fiscal impact. Changes in revenue from fines imposed and collected are not anticipated to have a significant fiscal impact.

There could be some administrative costs to implement progressive sanctions and possible additional interventions; however these costs would not be significant.

OCA estimates that the bill could result in a total loss of revenue to local governments statewide of \$443,456 due to the expansion of community service in lieu of paying money and outright waivers. There would also be an indeterminate cost to local governments from operating more expansive juvenile case manager programs and first offender programs.

The Texas Association of Counties also reported that lost revenue to counties could not be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 644 Texas Juvenile Justice Department,
701 Central Education Agency

LBB Staff: UP, ESj, KKR, JPo, TB, AH