

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 12, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3057 by Herrero (Relating to the prosecution of certain misdemeanor offenses committed by children and to school district law enforcement.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to create “school offenses” which are Class C misdemeanors, other than traffic offenses, committed on property under the control and jurisdiction of a school district, as well as disruption of class and disruption of transportation. A peace officer may not issue a citation to a child who is alleged to have committed a school offense.

The bill would require school districts to impose a system of progressive sanctions on a student prior to filing a complaint in court for a school based offense.

The bill would also amend the Penal Code to prohibit a child younger than 12 years of age from being prosecuted or convicted of a non-traffic fine only offense or penal ordinance violation. The bill would also create a presumption that children between the ages of 12 to 14 are presumed not criminally responsible for the same offenses, although the presumption can be refuted by a preponderance of evidence showing that the child is morally culpable.

The bill could reduce the number of juveniles sent to Justice of the Peace and Municipal Courts for Class C misdemeanors. However, since juveniles are usually only transferred from these courts to juvenile courts on the third offense, it is assumed the number of offenders affected under this statute would not significantly impact state correctional agencies' workload and programs or the demand for their resources and services.

The bill would take effect on September 1, 2013, and only apply to offenses committed on or after that date.

Local Government Impact

Implementing this bill's provisions could decrease the number of offenders sent to Justice of the Peace and Municipal Courts. This change is expected to reduce demands on county resources. Savings to local entities would depend on the number of individuals affected under this section but are not expected to be significant. Lost revenue from fewer fines imposed and collected is not anticipated to have a significant fiscal impact on local governments.

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

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