

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB393 by West (Relating to the criminal procedures related to children who commit certain Class C misdemeanors.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure, Articles 42, 43, and 45, relating to fines and court costs imposed on a child in a criminal case and would permit a judge to offer a child defendant who incurs a fine and court costs a choice between paying the fine and court costs or performing community service in lieu of payment. The bill also allows a judge the option of waiving fines and court costs for children.

The bill would amend the Education Code to create "school offenses" which are Class C misdemeanor offenses other than traffic offenses committed on property under the control and jurisdiction of a school district. A peace officer may not issue a citation to a child who is alleged to have committed a school offense. A child may go through a graduated sanctions program for the school offenses of disruption of class, disruption of transportation, and disorderly conduct before a complaint may be filed against them.

The bill would amend the Family Code to add Class C misdemeanors other than traffic offenses to the list of offenses which are eligible for disposition without referral to juvenile court and first offender programs. The bill would also amend the education code to allow campus peace officers to dispose of cases without referring them to juvenile court or use a first offender program.

Class C misdemeanors are generally disposed by Justice of the Peace and Municipal Courts. A Class C misdemeanor is punishable by a fine not to exceed \$500.

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 amend the Penal Code to prohibit a person from being prosecuted or convicted of a misdemeanor punishable by fine only or a violation of a penal ordinance of a political subdivision that the person committed when younger than 10 years of age.

The bill would amend the Penal Code related to a child with mental illness, disability, or lack of capacity to determine whether a child lacked the capacity to understand the proceedings in

criminal court or lacked the capacity to appreciate the wrongfulness of the child's conduct or to conform the child's conduct to legal requirements.

The Office of Court Administration does not anticipate a significant fiscal impact to state revenue. The Juvenile Justice Department, Comptroller of Public Accounts, and Texas Education Agency indicate no fiscal impact to its agency operations.

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

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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.

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, CL, JSc, RBI, SZ, KKR, JPo