

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 27, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1114 by Whitmire (relating to the prosecution of certain misdemeanor offenses committed by children and to school district law enforcement.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require an officer to submit an offense report, a witness statement, and a victim statement, if applicable, when the officer issued a citation or filed a complaint for conduct by a child 12 years of age or older if the incident occurred on school property or in a school vehicle.

The bill would prohibit a law enforcement officer from issuing a citation or filing a complaint against a child under 12 years of age for conduct alleged to have occurred on school property or transportation that is under the jurisdiction of municipal and justice courts.

The bill would require a court to dismiss a complaint for failure to attend school filed in the court if the complaint is not accompanied by a statement that truancy prevention measures have been implemented and were not successful. The bill would also prohibit charging a primary or secondary grade student with the offenses of disruption of a class or disruption of transportation. The bill would also define schools as public places for purposes of the offense of disorderly conduct.

Finally, the bill would amend the first offender program statute in the Family Code to permit a child accused of a Class C misdemeanor to be referred to such a program prior to filing a complaint or issuing a citation for an offense.

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 the bill 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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