

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 19, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB461** by Canales (relating to the creation of an offense for smoking tobacco in a passenger vehicle with a child present.), **Committee Report 1st House, Substituted**

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

The bill would amend the Penal Code to create a Class C misdemeanor offense for possessing a burning tobacco product or smoking tobacco with a child present in the vehicle. The bill would permit a judge to reduce the amount of a fine if the offender completes a parenting class approved by the judge. The bill would prohibit a peace officer from stopping or detaining a person who is the operator or an occupant of a passenger vehicle for the sole purpose of determining if an offense has occurred under the provisions of the bill.

A Class C misdemeanor is punishable by a fine of not more than \$500.

**Local Government Impact**

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**

**LBB Staff:** UP, KJo, SD, EK