

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 15, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB1436** by Wu (Relating to the offense of possessing an open container of alcohol in a motor vehicle.), **As Introduced**

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

The bill would amend the Penal Code to define an open container as a bottle, can, or other receptacle that contains any amount of alcoholic beverage other than a receptacle that is factory-sealed by the manufacturer of the alcoholic beverage. The Texas Alcoholic Beverage Commission, Department of Public Safety, and Office of Court Administration report that the costs to implement the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. 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. In addition to the fine, punishment can include up to 180 days of deferred disposition.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 458 Alcoholic Beverage Commission

**LBB Staff:** UP, KJo, AI, FR, JGA