

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

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

**May 16, 2017**

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

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

**IN RE: HB1999** by Israel (Relating to a violation regarding the purchase, possession, or consumption of alcoholic beverages by a minor or the misrepresentation of age by a minor; authorizing a civil penalty; creating a criminal offense.), **As Engrossed**

**The bill would have a positive, but indeterminate, fiscal impact to the State due to anticipated revenue increases from an unknown number of civil penalties assessed to first time minor offenders offset by a decrease in court cost revenue due to previous criminal violations not being treated as civil penalties. In addition, the amount of first time minor offenders that would discharge the civil penalty by performing community service and not pay the fee is unknown.**

The bill would make amendments to several codes pertaining to a violation regarding the purchase, possession, or consumption of alcoholic beverages by a minor or misrepresentation of age by a minor.

The bill imposes a civil penalty not to exceed \$500 for certain alcohol related violations by a person under the age of 21. The bill provides that the violation becomes a criminal offense punishable as a Class C misdemeanor upon the minor's second or subsequent violation if the minor is under the age of 17. The violation can be either a fine of not less than \$250 or more than \$2,000, confinement in jail not to exceed 180 days, or both, if the minor is 17 years of age or older. The bill would allow a minor to discharge the civil penalty by performing between 20 and 40 hours of community service. Any civil penalties imposed are required to be remitted to the state and credited to the General Revenue Fund.

The bill would take effect September 1, 2017.

Under current law, violations for the first two alcohol-related offenses by a minor are punishable as a Class C misdemeanor with subsequent violations being punishable by a fine between \$250 and \$2,000 and/or a jail term of up to 180 days. Of total court costs collected from these offenses, the state receives approximately 76 percent of the total with the remainder retained by local governments. The bill's provisions would result in state and local governments losing the majority of court costs collected; however, revenue to the state from civil penalties would stop upon a minor's second or subsequent violation.

According to the Office of Court Administration (OCA), there were 22,695 non-driving alcohol related cases filed against juveniles and minors in justice and municipal courts in fiscal year 2016 with a collection rate among these courts of 65 percent. It is assumed that a portion of these cases represent first time offenses by a minor; however, the amount that this comprises cannot be estimated.

This analysis assumes the provisions of the bill addressing sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

### **Local Government Impact**

According to OCA, local governments would see an indeterminate revenue decreases each fiscal year due primarily to civil penalties that are 100 percent remitted to the state being replacing court costs that have a state and local share. 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.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

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