

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

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

**March 26, 2017**

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

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

**IN RE: HB2089** by White (Relating to the punishment for certain intoxication offenses and the eligibility for deferred adjudication community supervision of defendants who committed certain intoxication offenses.), **As Introduced**

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of reliable data on the estimated revenue loss to the Driver Responsibility Program.**

The bill would amend the Code of Criminal Procedure and the Penal Code as they relate to the punishment and eligibility for deferred adjudication for certain intoxication offenses. Under the provisions of the bill, the offenses of driving while intoxicated, boating while intoxicated, flying while intoxicated, and assembling or operating an amusement ride while intoxicated would be eligible for deferred adjudication supervision as long as at the time of the offense the individual did not hold a commercial driver's license or commercial learner's permit. The bill would also provide for the enhancement of driving while intoxicated with a child passenger in certain circumstances.

The Department of Public Safety indicates the bill could result in a loss of revenue to the Driver Responsibility Program but can not determine whether the loss would result in a significant fiscal impact. The Comptroller of Public Accounts indicates the fiscal implications to the state can not be determined. The Office of Court Administration indicates no significant fiscal impact to the state court system. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources. The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

**Local Government Impact**

According to Dallas County, no significant fiscal impact is anticipated. According to the Travis County Adult Probation staff, the bill would have no fiscal impact on the County. According to the Texas Association of Counties, Galveston County reported no significant fiscal implication is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts, 405 Department of Public Safety, 696  
Department of Criminal Justice

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