

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 2, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB664 by Huffines (Relating to the punishment for certain intoxication offenses.), **As Introduced**

The probable fiscal impact of implementing the bill is indeterminate because the number who would receive deferred adjudication for certain intoxication offenses cannot be estimated, information necessary to determine the impact to the Driver Responsibility Program (DRP). Individuals convicted of certain offenses are assessed a DRP surcharge and unless specified in statute individuals placed under deferred adjudication are not considered convicted of an offense.

The bill would amend the Code of Criminal Procedure, the Government Code, 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 and boating 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 driver learner's permit. The bill would also provide for the enhancement of driving while intoxicated with a child passenger in certain circumstances.

The Comptroller of Public Accounts (CPA) indicates the fiscal implications to the state cannot be determined because the number receiving deferred adjudication cannot be estimated. Individuals have to be convicted of certain intoxication offenses in order to be assessed a surcharge under the Driver Responsibility Program (DRP). Unless specified in statute, individuals placed under deferred adjudication are not considered convicted of an offense. Therefore the CPA indicates the fiscal implications of the bill on the DRP surcharges cannot 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 the Office of Court Administration, no significant fiscal impact to local courts is anticipated.

According to the Texas Association of Counties, the fiscal impact to counties is not anticipated to be significant.

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

LBB Staff: UP, KJo, LM, JPo, ER, JGA, ZB, LCO, JAW