

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB761 by Menéndez (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 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, 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, 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 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 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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