

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 10, 2019

TO: Honorable James White, Chair, House Committee on Corrections

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2481 by Metcalf (Relating to the administration of a veterans treatment court program and the eligibility for deferred adjudication community supervision of certain defendants who are eligible to participate in a veterans treatment court program and who committed certain intoxication offenses and the conditions of that supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated except for an indeterminate impact associated with amending the Code of Criminal Procedure Code, as described below.

The bill would amend the Code of Criminal Procedure and the Government Code to permit a judge to grant deferred adjudication probation to a defendant charged with certain intoxication offenses if the defendant meets the requirements for entry into a veteran's treatment court program.

The bill would amend the Code of Criminal Procedure as it relates to a judge's ability to grant deferred adjudication community supervision. Under the provisions of the bill a judge would now be allowed to grant deferred adjudication community supervision to individuals who committed certain intoxication offenses as long as the individual did not have a commercial driver's license or commercial learner's permit at the time of the offense. The probable fiscal impact of implementing the bill is indeterminate due to the lack of data necessary to determine the number of people arrested for certain intoxicated related offenses who held a commercial driver's license permit or a commercial learner's permit at the time of offense. These data are necessary to estimate the fiscal impact of the bill's provisions related to placement onto deferred adjudication community supervision.

The bill would permit a defendant placed on deferred adjudication probation for an intoxication misdemeanor to petition the court for an order of nondisclosure if the defendant receives a discharge and dismissal, satisfies the required conditions, and had never been previously convicted of or placed on deferred adjudication probation for another offense, other than a traffic offense punishable by fine only.

The bill would permit a judge to require a defendant, as a condition of probation, to install an ignition interlock device on the defendant's vehicle.

Based on the analysis of the Office of Court Administration and the Veterans Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

Williamson County does not anticipate a significant fiscal impact to their county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 403 Veterans Commission, 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: WP, LBO, MW, DA, SMi, AF