

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 25, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

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

IN RE: **HB2754** by White (relating to a limitation on the authority to arrest a person for certain misdemeanors punishable by fine only.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Transportation Code to require each law enforcement agency to adopt a written policy regarding the issuance of citations for misdemeanor offenses punishable by fine only and specifies certain requirements for these policies. The bill provides an exception to issuing a citation in lieu of taking the person into custody in certain instances.

According to the Commission on Law Enforcement, no fiscal implication to the State is anticipated.

According to the Department of Public Safety, no fiscal implication to the State is anticipated.

According to the Office of Court Administration (OCA), no significant impact to the state court system is anticipated.

Local Government Impact

According to OCA, local governments would see a decrease in costs due to fewer served warrants as well as reduced jail costs. However, the agency does not have sufficient information with which to calculate the impact.

According to the Texas Municipal League, municipal courts could not issue a *capias pro fine* to enforce a judgement when the defendant fails to pay. Although the costs from this cannot be determined, because it would depend on how many defendants would fail to satisfy the judgement requirements, they could be significant if the court does not have an effective way to enforce judgements rendered.

According to the Justices of the Peace and Constables Association, is expected to have no significant fiscal impact on counties.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304

Comptroller of Public Accounts, 405 Department of Public Safety, 407
Commission on Law Enforcement

LBB Staff: WP, LBO, SD, GP, LCO, AF