

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 2, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1234 by Whitmire (Relating to the establishment of progressive sanctions for students who fail to attend school and to the repeal of the offenses of failure to attend school and parent contributing to nonattendance.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1234, As Introduced: a negative impact of (\$2,972,000) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$1,486,000)
2015	(\$1,486,000)
2016	(\$1,486,000)
2017	(\$1,486,000)
2018	(\$1,486,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>GR-Related Accounts</i>	Probable Revenue Gain/(Loss) from <i>Judicial Fund</i> 573
2014	(\$129,000)	(\$1,357,000)	(\$194,000)
2015	(\$129,000)	(\$1,357,000)	(\$194,000)
2016	(\$129,000)	(\$1,357,000)	(\$194,000)
2017	(\$129,000)	(\$1,357,000)	(\$194,000)
2018	(\$129,000)	(\$1,357,000)	(\$194,000)

Fiscal Analysis

The bill would amend the Education Code and Family Codes to repeal the offenses of failure to attend school and parent contributing to nonattendance. Both of these offenses are Class C misdemeanors.

Under current law failure to attend school and parent contributing to nonattendance are prosecuted in county, justice of the peace, and municipal courts. Under the bill the offense of parent contributing to nonattendance would no longer be prosecuted. However, juveniles meeting the elements of the offense of failure to attend school could instead be prosecuted for the offense of truancy, which is an offense in the Family Code and is prosecuted in juvenile courts. Under the bill, a juvenile could not be referred to a juvenile court for truancy unless they had failed to complete a progressive sanctions program established by a school.

Methodology

Under the provisions of the bill, the Comptroller of Public Accounts (CPA) anticipates a revenue loss of \$1.7 million per fiscal year in All Funds for fiscal years 2014 to 2018 related to elimination of certain Class C misdemeanors.

Using data supplied by the Office of Court Administration, there were a total of 129,294 relevant Class C misdemeanor cases related to failure to attend school and contributing to nonattendance that would be eliminated under the provisions of the bill. These are subject to state court costs in the amount of \$52; these include a \$40 consolidated court fee, a \$4 jury reimbursement fee, a \$6 judicial support fee, and a \$2 indigent defense fund fee. For the purposes of this analysis, the CPA estimated that the same number of offenses would occur annually in the future, with a 50 percent conviction rate, and a 50 percent collection rate. This estimate results in a \$1.7 million per year All Funds state revenue from court costs and fees on eliminated offenses.

This analysis assumes any costs to the Texas Juvenile Justice Department as a result of the provisions of the bill would not be significant.

Local Government Impact

The Office of Court Administration (OCA) estimates that the bill would result in a decrease in revenue to local governments of \$2,489,449 associated with court costs, and an indeterminate revenue decrease associated with fine revenue collected. This would be partially offset by reductions in court caseloads.

Dallas County, however, reported that truancy fines are capped at \$100 in that county, and that court costs generally outweigh fine collections in these cases, resulting in no significant fiscal impact associated with the bill.

There could be a negative impact of indeterminate degree to local juvenile probation departments related to increased supervision populations.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 644 Texas Juvenile Justice Department,
701 Central Education Agency

LBB Staff: UP, ESi, JSc, AH, KKR, JJO, JPo