

Department of Planning and Budget
2021 Special Session I Fiscal Impact Statement

1. Bill Number: HB1878ER

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Jenkins

3. Committee: Passed Both Houses

4. Title: Appeal to a magistrate on a finding of no probable cause

5. Summary: The proposed bill limits the ability to appeal a decision by an intake officer not to authorize a petition relating to an offense that, if committed by an adult, would be punishable as a Class 1 misdemeanor or felony, when the decision is based solely upon a finding of no probable cause.

The bill requires the complainant to file the application for a warrant to a magistrate within 10 days of the issuance of written notification. The bill also specifies that if an intake officer finds (i) probable cause and (ii) that the matter is appropriate for diversion, this decision is final, and the complainant shall not have the right to appeal the decision to a magistrate.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final (see Line #8)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES) and the Department of Juvenile Justice (DJJ), the proposed bill is not expected to create a material fiscal impact on the operations of either agency.

9. Specific Agency or Political Subdivisions Affected: Courts, and Department of Juvenile Justice

10. Technical Amendment Necessary: No

11. Other Comments: None