

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 7, 2003**

**TO:** Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB235** by West, George "Buddy" (Relating to the prosecution and punishment of the offense of obscene display or distribution and to certain consequences of a conviction for that offense.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Penal Code by making punishable as a state jail felony, the intentional display or distribution of obscene materials when knowing that a child younger than 18 years of age is present during the display or distribution of the obscene materials. The offense of obscene display or distribution is currently punishable as a Class C misdemeanor. Defenses to the prosecution of this provision are also provided in the bill. The bill would also amend the Penal Code by including the conduct added by the bill which is punishable as a state jail felony to the conditions which may be used in the penalties for repeat and habitual felony offenders provision of the Penal Code. It is assumed that the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JK, WK, VDS, GG