

**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: HB236** by West, George "Buddy" (Relating to the punishment for the offense of obscenity and to certain consequences related to a conviction for an offense involving obscenity.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Penal Code by enhancing the punishment for the offense of obscenity for behavior identified in the obscenity subchapter of the Penal Code engaged in by children younger than 18 years of age at the time the offenses were committed. Behavior related to the offense of obscenity currently punishable as a state jail felony would be enhanced to a felony of the third degree, and behavior related to the offense of obscenity currently punishable as a Class A misdemeanor would be enhanced to a state jail felony by the bill. The bill would also amend the Penal Code by including the conduct addressed by the bill to the conditions that may be used in the penalties for repeat and habitual felony offenders provision of the Penal Code. The bill would also add offenses addressed by this bill to the Sex Offender Registration Program of the Code of Criminal Procedure. 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. Local jail costs would decrease because those arrested for this offense would be remanded to state instead of local custody, but the savings would be very small because of the small number of cases prosecuted.

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

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