

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

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**February 22, 2005**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB311** by McReynolds (Relating to the prosecution and punishment of the offense of making a false report to a peace officer or law enforcement employee.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to make it a State Jail Felony to knowingly make a false statement to a peace officer or employee of a law enforcement agency regarding a felony investigation. The bill would also make it a Class B Misdemeanor to knowingly make a false statement regarding to a misdemeanor investigation. The bill would take effect September 1, 2005 and would apply only to an offense that occurs on or after that date.

Under current statute, no differentiation is made between making a false statement regarding a felony or a misdemeanor investigation and the offense is classified as a Class B Misdemeanor regardless of the level of offense being investigated. The proposed change in statute could increase the number of persons sentenced to time in a state jail, while reducing proportionately the number of persons potentially sentenced to time in a county jail. The fiscal impact of the number of persons sentenced to a state jail under the provisions of the law is anticipated to be insignificant. The fiscal impact to county jails would vary by county, depending on the number of offenses.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

**LBB Staff:** JOB, KJG, DLBa