

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

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

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

IN RE: HB549 by Phillips (Relating to prohibiting the introduction of certain items in correctional facilities.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Section 38.11, Penal Code, to prohibit providing a cellular telephone or money to a person confined in a local jail regulated by the Commission on Jail Standards. The bill would also prohibit providing cigarettes or tobacco products to a person confined in a local jail that is regulated by the Commission on Jail Standards and that has a rule or regulation in place that prohibits those items. Providing any of the listed contraband would be a third degree felony offense.

The bill would add Section 38.114 to the Penal Code to create as an offense the act of providing contraband to an inmate in a correctional facility, introducing contraband into a correctional facility, or possessing contraband while confined in a correctional facility. An offense would be a Class C misdemeanor unless committed by an employee or a volunteer of the facility, in which case it would be a Class B misdemeanor.

The bill would take effect immediately if it receives the required two-thirds vote in both houses; otherwise, it would take effect on September 1, 2005.

The fiscal impact would depend on the number of persons caught and convicted of the offense. The number of court proceedings, incarceration rates, or fines imposed as a result of the provisions of the bill are not expected to be impacted significantly.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, KJG, DLBa