

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 16, 2005

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

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

IN RE: HB1095 by Menendez (Relating to the offense of harassment by persons in certain correctional facilities and to creating the offense of harassment of public servant.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would create as an offense Harassment of a Public Servant if an actor causes another person the actor knows to be a public servant to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the public servant is lawfully discharging an official duty. An offense would be a Class A misdemeanor, except the offense would be a second degree felony if as a result of the actor's actions, the person contracts HIV, hepatitis A, hepatitis B, tuberculosis, or any other disease designated as a reportable disease under Section 81.048, Health and Safety Code. The offense would be a state jail felony if the actor knows or is aware but consciously disregards a substantial risk that the blood or other applicable substance used to commit the offense is infected with the listed diseases.

The court would be required to order the person charged with the offense to undergo a medical procedure or test designed to show or help show whether the person is infected with any of the listed diseases. The person charged with the offense would be required to pay the costs of the testing. The court also would be required to order a defendant convicted of the offense to make restitution to the victim or the victim's employer in an amount equal to costs for testing or treatment of HIV, hepatitis A, hepatitis B, tuberculosis, or other applicable disease.

The bill would take effect September 1, 2005 and would apply only to an offense committed on or after that date.

Local Government Impact

No significant fiscal implication to units of local government is anticipated for enforcement, prosecution, or punishment activities associated with the offense.

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

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