

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

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

**April 29, 2005**

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

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

**IN RE: SB816** by Deuell (Relating to the offense of harassment by persons in certain correctional facilities and to creating the offense of harassment of public servant.), **As Introduced**

**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 Second Degree felony, except the offense would be a First Degree felony if as a result of the actor's actions, the person contracts HIV, hepatitis B, or tuberculosis. The court 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 B, or tuberculosis.

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

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