

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 13, 2007

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

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

IN RE: HB185 by Hochberg (Relating to gang-related activity in and around public schools; providing a criminal penalty.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Education Code relating to gang affiliation and gang-related activity on school property and at school functions. The bill would mandate that a student be expelled from school if the student, on school property or while attending a school-sponsored or school-related activity, engages in conduct that contains the elements of the offense of assault, deadly conduct, terroristic threat, or coercing, soliciting, or inducing gang membership; and that a reasonable person would believe the conduct is related to membership in a criminal street gang as defined by the Penal Code. The bill would also provide that a student may be expelled if the student solicits another student to participate in the activities of or become a member of a criminal street gang. The bill would amend the Penal Code by making the presence of a member of a criminal street gang or gang activity that occurs within 300 feet of public elementary or secondary schools or on premises where a school function is taking place, or at a University Interscholastic league event, a Class C misdemeanor. The Act would take effect on September 1, 2007.

This bill would increase the number of mandatory expulsions and the number of students entering Juvenile Justice Alternative Education Programs (JJAEP). The Juvenile Probation Commission projects that, under the provision of the bill, the mandatory student attendance days would increase by 66,929 in fiscal year 2008 and by 79,667 in subsequent fiscal years. JJAEPs are funded by the state at the rate of \$59 per student attendance day indicating an additional funding need of \$3,948,811 in fiscal year 2008 and \$4,700,353 in subsequent fiscal years. However, JJAEPs are funded through a set aside from the Compensatory Education Allotment of the Foundation School Program. Therefore, the provisions of the bill would result in no net fiscal impact to the state.

Local Government Impact

Costs to local governments would depend upon the number of offenders identified under the provisions of the bill. The Juvenile Probation Commission (JPC) reported that increasing the mandatory population of students in a Juvenile Justice Alternative Education Program (JJAEP) could impact the amount that counties contribute to the operation of the programs. JPC funds daily attendance of mandatory students at the rate of \$59 per day. The average cost per day for operating a JJAEP is reported to be \$125.90.

The bill would increase the number of mandatory expulsions and the number of mandatory JJAEP placements. To the extent that state aid earned through the Foundation School Program on behalf of a student placed in a JJAEP under the provisions of the bill is less than the cost to the district of funding the JJAEP placement, local school district cost could be incurred. The fiscal impact to districts would be expected to vary significantly.

Harris County reported that implementation of the provisions of the bill would increase the number of mandatory and discretionary expulsions from local school districts, increasing the net cost of the JJAEP in the county by approximately \$509,000 per year.

Bexar County reported approximately \$475,000 per fiscal year in new operational costs to house juvenile offenders detained under the provisions of the bill. These costs could possibly be offset by revenue from court costs for those who are fined and not detained.

Dallas County reported that any additional offenders assigned to the JJAEP in that county would be funded by the referring school district, resulting in a zero net cost to the county.

The Collin County Sheriff's Department reported that implementing the provisions of the bill would have no significant effect on the department's budget.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 665 Juvenile Probation Commission, 701 Central Education Agency

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