

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 21, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB192** by Miller (Relating to the punishment prescribed for certain attempts to commit an offense on school premises or on the premises of a school-sponsored activity.), **As Introduced**

The probable impact of implementing the provision of the bill cannot be determined due to the unavailability of reliable data or information regarding attempts to commit certain offenses on school premises or premises of school-sponsored activity or the ages of the offenders and intended victims.

The bill would amend the Code of Criminal Procedure by creating a finding regarding an attempt to commit an offense under Chapter 20, 21, or 22, Penal Code, on school premises or premises of a school-sponsored activity. At the time of the attempt, the actor must be 18 years of age or older and the intended victim must be younger than 14 years of age. The bill would amend the Penal Code by making an attempt to commit an offense under Chapter 20, 21, or 22 on school premises or premises of school-sponsored activity, with the actor 18 years of age or older and the intended victim younger than 14 years of age, punishable by the same offense level as the offense attempted. Criminal attempt is punishable as one category lower than the offense attempted.

The bill would take effect on September 1, 2007 and apply to an offense committed on or after the effective date.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or, longer terms of confinement in county jails or prison. In fiscal year 2006, approximately 400 offenders were admitted to prison or state jail for an attempt to commit an offense under Chapter 20, 21, or 22, Penal Code; however, it is unknown how many of those offenses occurred on school premises or premises of school-sponsored activity or the ages of the offenders and intended victims. A check of Texas Department of Criminal Justice records, Department of Public Safety records, Office of Court Administration records, and Jail Standards Commission records did not reveal any information that would help in an accurate assumption regarding an attempt to commit an offense under Chapter 20, 21, or 22, Penal Code, on school premises or premises of school-sponsored activity or the ages of the offenders and intended victims; therefore, the probable impact of implementing the bill cannot be determined.

**Local Government Impact**

The probable impact to local government of implementing the provision of this bill cannot be determined due to the unavailability of reliable data or information regarding attempts to commit certain offenses on school premises or premises of school-sponsored activity or the ages of the offenders and intended victims.

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

**LBB Staff:** JOB, ES, GG, TM