

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 3, 2007

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

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

IN RE: HB401 by Brown, Betty (Relating to the use of text messages and other electronic media to commit certain sexual offenses against minors or certain students.), **As Introduced**

The probable impact of implementing the provisions of this bill cannot be determined due to the unavailability of reliable data or information related to the number of times online solicitation of a minor occurs between an educator and student or the use of text message or other electronic message service or system for conduct that would constitute online solicitation of a minor.

The bill would amend the Penal Code by including conduct described in the offense of online solicitation of a minor in the offense of improper relationship between educator and student. The offense of improper relationship between educator and student is punishable as a felony of the second degree. The bill would also amend the Penal Code by including the use of text messages or other electronic message service or system in defining the offense of online solicitation of a minor. The offense of online solicitation of a minor is punishable as either a state jail felony, felony of the third degree, or felony of the second degree depending on the type of solicitation and the age of the minor.

The bill would take effect on September 1, 2007 and apply to offenses committed on or after that date.

Broadening the definition of the types of behavior punishable is expected to result in increased demands upon the correctional resources of counties or of the State due to an increase in offenses. It is expected individuals who would be affected under the provisions of this bill are currently being sentenced for other, possibly lesser felony, offenses. 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 the number of times online solicitation of a minor occurs between an educator and student or the use of text message or other electronic message service or system for conduct that would constitute online solicitation of a minor.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

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