

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

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

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

IN RE: HB946 by Miller (Relating to conduct that constitutes the offense of endangering a child.),
As Engrossed

The probable impact of implementing the provision of this bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in the possession or use of methamphetamine in the presence of a child or the proximity or accessibility of methamphetamine to a child.

The bill would amend the Penal Code to include possession or introduction of methamphetamine into the body in the presence of a child and conduct related to the proximity or accessibility of methamphetamine to a child with analysis indicating presence of methamphetamine in the child's body to conduct placing a child in imminent danger of death, bodily injury, or physical or mental impairment.

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. In fiscal year 2006 there were 191 offenders admitted to state jail for abandoning or endangering a child by criminal negligence, and in fiscal year 2005 there were 419 offenders placed on state jail felony community supervision for abandoning or endangering a child by criminal negligence. It is expected that individuals who would be affected under the bill are currently being sentenced for other, possibly misdemeanor, 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 possession or use of methamphetamine in the presence of a child or the proximity or accessibility of methamphetamine to a child; therefore, the probable impact of implementing the bill cannot be determined.

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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