

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**March 20, 2007**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

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

**IN RE: HB1078** by Hochberg (Relating to the imposition of conditions on a child adjudicated of having engaged in conduct that constitutes the commission of a hate crime.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would add Section 54.035 to the Family Code, requiring juvenile courts to make an affirmative finding in the judgment of a case if the court determines that a youth selected the person against whom the offense was committed or intentionally selected the property damaged or affected because of the youth's bias or prejudice against a group identified by race, color, disability, religion, national origin, or ancestry, age, gender, or sexual preference, as defined by Article 42.12, Code of Criminal Procedure. The bill would amend Article 42.12, Section 13A (b), Code of Criminal Procedure to disallow a court from granting community supervision if the defendant has previously been adjudicated for engaging in delinquent conduct that resulted in an affirmative finding under Section 54.035. The bill would allow a court to require a youth for whom an affirmative finding is made under Section 54.035, Family Code, to attend an education program to further the youth's acceptance and understanding of others, to attend psychological counseling with an individual or organization approved by the court, or to perform community service at a project designated by the court that primarily serves the interests of the person or group that was the target of the youth's conduct. The clerk of the court would be required to report to the Texas Judicial Council the request that an affirmative finding be made, whether the affirmative finding was made and entered into the judgment of the case not later than the 30th day after the date of the judgment. Section 58.003, Family Code would be amended to allow prosecuting attorneys seeking an affirmative finding under Article 41.12, Section 13A (b), Code of Criminal Procedure, to apply to the court for permission to reopen files and records of a person adjudicated as having engaged in delinquent conduct for an offense for which an affirmative finding was made under Section 54.035, Family Code if the records were previously sealed by the court. The bill would take effect September 1, 2007 and applies only to offenses that occur on or after that date.

**Local Government Impact**

The Office of Court Administration (OCA) reports that there may be a fiscal impact to local government as counties may have to update data collection systems to allow clerks to report information related to hate crimes in juvenile courts. Counties may also have costs associated with providing educational and psychological programs to youth found to have engaged in hate crimes. OCA reports that only eight cases with affirmative findings have been made in adult courts and the agency anticipates only a small number of such findings in juvenile courts.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 694 Youth Commission

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