

**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: HB1451** by Bohac (Relating to the punishment for the offense of prostitution.), **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 prostitution occurs within 1,000 feet of a church, public or private primary or secondary school, day-care center or child care facility, or public park.

The bill would amend the Penal Code as it relates to the punishment for prostitution. Under the provision of the bill, punishment for prostitution would be increased to that prescribed for the next higher offense category if the offense was committed within 1,000 feet of a church, public or private primary or secondary school, day-care center or child care facility, or public park. The enhancements outlined in the bill would apply to those offenders convicted of a Class B or Class A Misdemeanor. A Class B Misdemeanor would be punishable as Class A Misdemeanor and a Class A Misdemeanor would be punishable as a state jail felony.

The bill would take effect September 1, 2007 and apply only 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. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement and/or supervision of convicted offenders from the counties to the State. 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 prostitution occurs within 1,000 feet of a church, public or private primary or secondary school, day-care center or child care facility, or public park.

**Local Government Impact**

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

**Source Agencies:** 696 Department of Criminal Justice

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