

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

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

**March 20, 2007**

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

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

**IN RE: SB75** by Shapiro (Relating to penalties for certain repeat and habitual felony sex offenders.),  
**As Introduced**

**No significant fiscal implication to the State is anticipated for the first five years following passage.**

The bill would amend the Penal Code by making the offense of indecency with child punishable by imprisonment in the institutional division for life if the defendant has been previously convicted of sexual performance of a child, possession or promotion of child pornography, indecency with a child, sexual assault, aggravated sexual assault, aggravated kidnapping if the defendant committed the offense the intent to violate or abuse the victim sexually, indecency with a child (engaging in sexual contact), burglary with the intent to violate or abuse the victim sexually, and sexual performance of a child.

Given the proposal would apply to offenses committed on or after September 1, 2007 and that under current law and policy, individuals convicted of indecency with child serve a high percentage of their sentence, the impact of this proposal would not be significant in the first five years of implementation. A simulation model indicates that the bill would likely result in the need for an additional 233 prison beds by fiscal year 2025.

**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, TM