

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 5, 2007

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

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

IN RE: SB109 by Deuell (Relating to the punishment of certain assaults and aggravated assaults committed against employees of primary and secondary schools.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code by making the assault of an employee of a public or private primary or secondary school while the employee is engaged in performing duties within the scope of employment or in retaliation for or on account of the employee's performance of a duty within the scope of employment punishable as a felony of the third degree. Such behavior would currently be punishable as a Class A misdemeanor. The bill would also enhance the punishment for the offense of aggravated assault from a felony of the second degree to a felony of the first degree if the offense is committed against a person the actor knows is an employee of a public or private primary or secondary school while the employee is engaged in performing duties within the scope of employment or in retaliation for or on account of the employee's duty or employment.

Increasing the penalty for any criminal offense is expected to result in increased demands upon correctional resources. The impact of the bill on correctional populations would depend on how many persons would be prosecuted under the provision of the bill, and the extent to which punishment would be enhanced under the proposed statute compared to existing statute. For this analysis it is assumed that the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

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

Source Agencies: 665 Juvenile Probation Commission, 694 Youth Commission, 696 Department of Criminal Justice

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