

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 23, 2007

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

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

IN RE: SB130 by West, Royce (Relating to conduct that constitutes the offense of endangering a child.), **As Introduced**

The probable impact of implementing the provision of the bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in the use of a controlled substance listed in Schedule I, as established by the commissioner of public health, in the presence of a child.

The bill would amend the Penal Code relating to the offense of abandoning or endangering a child to include injected, ingested, inhaled, or otherwise introduced into the human body a controlled substance listed in Schedule I, as established by the commissioner of public health, in the presence of a child to conduct placing a child in imminent danger of death, bodily injury, or physical or mental impairment. Abandoning or endangering a child by intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engaging in conduct that places a child younger than 15 years in imminent danger of death, bodily injury, or physical or mental impairment is punishable as a state jail felony.

The bill would take effect on September 1, 2007 and apply to an offense committed on or after the effective 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 provision of this 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 the use of a controlled substance listed in Schedule I, as established by the commissioner of public health, in the presence of a child; therefore, the probable impact of implementing the bill cannot be determined.

Local Government Impact

The probable impact to local government of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in the use of a controlled substance listed in Schedule I, as established by the commissioner of public health, in the presence of a child.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG, TM