

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

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

**April 26, 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. ), **Committee Report 1st House, Substituted**

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 Penalty Group 1 of the Health and Safety Code, 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 in the presence of the child: manufactured the controlled substance methamphetamine; or (2) injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code, into the human body when the person was not in lawful possession of the substance. The offense of abandoning or endangering a child is punishable as either a state jail felony or as a felony of the third degree, depending on the intent to return for the child. The offense would be punishable as a felony of the second degree if the actor abandons the child under circumstances that would place the child in imminent danger of death, bodily injury, or physical or mental impairment.

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 Penalty Group 1 of the Health and Safety Code, 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 Penalty Group 1 of the Health and Safety Code, in the presence of a child.

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

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