

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB1097 by Whitmire (Relating to the penalties for the offense of criminal trespass.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to change the penalties for the offense of criminal trespass. Under current statute, trespassing in another person's vehicle or in a building is a Class B misdemeanor. The proposed change in statute would change trespassing in a vehicle or building to a Class C misdemeanor unless it is shown at trial that the defendant has been previously convicted of an offense of burglary or criminal trespass, in which case the offense would be a Class B misdemeanor.

The bill would create as a Class C misdemeanor the offense of trespassing on residential land, defined as real property improved by a dwelling and zoned for or otherwise authorized for single-family or multifamily use. The offense would be a Class A misdemeanor if the offense is committed in a building or habitation or if the person committing the offense carries a deadly weapon during the commission of the offense.

A Class C misdemeanor is punishable by a fine not to exceed \$500. A Class B misdemeanor is punishable by a fine not to exceed \$2,000, confinement in county jail for up to 180 days, or both. A Class A misdemeanor is punishable by a fine not to exceed \$4,000 and/or confinement of not more than one year in jail. A portion of court costs for a Class A or Class B misdemeanor of this type of offense are submitted to the state. The fiscal impact to the state would depend on how many Class A and Class B misdemeanor cases occur each year. The fiscal impact to local government would depend on the number of cases of each offense level and the discretion of the court in imposing a fine and jail time.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ES, DB