

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 17, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

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

IN RE: HB139 by Gonzalez Toureilles (Relating to the creation of the offense of unlawful transport of an undocumented person.), **As Introduced**

The probable impact of implementing the provision of this bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in the unlawful transport of undocumented persons.

The bill would amend the Penal Code by creating the offense of unlawful transport of an undocumented person punishable as a state jail felony except that it would be punishable as a felony of the third degree if committed for pecuniary benefit or if there is substantial likelihood the undocumented person will suffer bodily injury.

The bill would take effect on September 1, 2009.

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. It is expected individuals who would be affected under the provisions of this bill are currently being sentenced under federal statute. According to the Bureau of Justice Statistics Federal Justice Statistics, 2005, the U.S. Marshals Service made 38,041 arrests nationwide for immigration offenses between October 1, 2004 and September 30, 2005. It is unknown how many of those arrests were for unlawfully transporting an undocumented person or how many of those arrests took place in Texas.

A check of Bureau of Justice Statistics information, 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 unlawful transport of an undocumented person; therefore, the probable impact of implementing the bill cannot be determined.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, KJG, GG, LM