

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 7, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB724 by Veasey (Relating to the penalties prescribed for committing prostitution within a certain distance of certain designated places.), **As Introduced**

The probable impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the location of prostitution offenses in proximity to areas that would be defined as protected premises.

The bill would amend the Penal Code by defining “protected premises” relating to the offense of prostitution. If the actor committing the offense is within 1,000 feet of a protected premises, the bill would specify minimum terms of confinement depending on the penalty for the offense of prostitution. For state jail felony offenses of prostitution the minimum term of confinement would be one year. For Class A misdemeanor offenses of prostitution the minimum term of confinement would be 180 days, and for a Class B misdemeanor the minimum term of confinement would be 90 days.

The bill is likely to result in increased time served in state jail facilities for persons convicted of prostitution in areas defined as protected premises; resulting in an increased state jail population. The extent to which the state jail population would increase would depend on the number of persons committing the offense of prostitution in areas defined by the bill as protected premises. 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 location of prostitution offenses, therefore the impact of the bill cannot be determined.

Local Government Impact

The bill could result in an increase in the incarcerated population in county jails depending on the application of the provisions to persons charged with Class A and Class B misdemeanor prostitution offenses. The impact to local government cannot be determined due to the lack of information regarding the location of prostitution offenses in proximity to areas defined as protected premises.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, TP