

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 11, 2009**

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

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

**IN RE: HB1199** by Turner, Sylvester (Relating to the enhancement of punishment in criminal cases.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Penal Code to allow a judge or jury the option of sentencing a defendant meeting the criteria for enhancement as a repeat and habitual felony offender or misdemeanor offender to the original punishment provided for the offense being tried if it is believed the enhancement would result in disproportionate or unfair punishment.

The bill would take effect on September 1, 2009 and would apply to the punishment of an offense committed on or after the effective date.

Depending on its application, the provisions of the bill could result in savings. However, the impact of the bill is not expected to be significant.

**Local Government Impact**

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

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

**LBB Staff:** JOB, ESi, GG, TMP