

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB1320 by Christian (Relating to creating an offense for engaging in certain conduct relating to cockfighting and to the criminal and civil consequences of committing that offense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code by creating the offense of cockfighting. The offense would be punishable as either a state jail felony, a Class A misdemeanor, or a Class C misdemeanor depending on provisions specified by the bill. The bill would amend the Penal Code by including the offense of cockfighting in the list of offenses for which the engaging in organized criminal activity provision is applied. The bill would amend the Code of Criminal Procedure by specifying the destruction or forfeiture of cockfighting equipment following the final conviction of a person for the offense of cockfighting, and in adding to property defined as contraband. The bill would also amend the Code of Criminal Procedure relating to the forfeiture of property and the jurisdiction of the attorney representing the state involving such cases. It is estimated implementation of these provisions of the bill would not have a significant impact on the costs of state or local government.

The bill would also amend the Code of Criminal Procedure and provide that the State Auditor may conduct audits and investigations on forfeited proceeds by certain governmental entities and permits the Attorney General to file suit for injunctive relief or recover a civil penalty on violations of criminal asset forfeiture law. According to the Comptroller's office, depending on the number and amount of civil penalties collected, there would be an indeterminate amount of revenue to the state. However, the amount of revenue is not anticipated to be significant. The Office of the Attorney General and the State Auditor's Office indicate that costs associated with implementation of these provisions of the bill could be absorbed within existing state resources.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Local Government Impact

The bill would require all law enforcement agencies who receive proceeds or property from seizures to account for the specific expenditures in an audit on a form provided by the attorney general, including a detailed report and explanation of all expenditures, salaries and overtime pay, training, and equipment and supplies. The audit must be performed annually by the auditing entity of the commissioners court or the governing body of a municipality.

According to the Texas District and County Attorney's Association, and Harris and Ward counties, the fiscal impact is not anticipated to be significant, but would depend on the specifications of the form provided by the attorney general, and the financial reporting systems used by local entities.

Source Agencies: 696 Department of Criminal Justice

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