

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 23, 2009

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

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

IN RE: HB1482 by Pitts (Relating to the creation of the offense of assault with bodily fluids, the prosecution and punishment of that offense, and the consequences of a conviction for that offense.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to create the offense of assault with bodily fluids punishable as a Class A misdemeanor, felony of the third degree, or felony of the second degree depending on the circumstances. The bill would also amend the Code of Criminal Procedure, Education Code, Family Code, Government Code, and Health and Safety Code as it relates to assault with bodily fluids.

The bill would amend the Penal Code related to concurrent or consecutive sentences, repeat and habitual felony offenders, criminal solicitation of a minor, and consent as a defense for certain assaults with bodily fluids. The bill would amend the Code of Criminal Procedure related to the testing of AIDS and certain other diseases, testimony of victims younger than 13 years of age, limitations and restrictions on community supervision, the sex offender registration program, and cost on conviction for certain assaults with bodily fluids. The bill would amend the Education Code related to the transfer of students involved in sexual assault and expulsion for serious offenses for certain assaults with bodily fluids. The bill would amend the Family Code related to sexual abuse of a minor, termination of the parent-child relationship, and investigations of child abuse or neglect for certain assaults with bodily fluids. The bill would amend the Government Code related to DNA records, orchietomy, parole vote, eligibility for release on parole and mandatory supervision, child safety zones, and parole fees for certain assaults with bodily fluids. The bill would amend the Health and Safety Code related to investigations of departments or designated agency, convictions barring employment, and civil commitments for certain assaults with bodily fluids.

It is assumed persons convicted under this statute are currently being charged with other, possibly lesser felony or misdemeanor, offenses and would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies. The Office of Court Administration, the Office of the Attorney General, the Department of Public Safety, the Health and Human Services Commission, the Department of Family and Protective Services, the Juvenile Probation Commission, the Texas Department of Criminal Justice, and the Central Education Agency, state that the costs of implementing the requirements of the bill, for each agency, would not be substantial.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 665 Juvenile Probation Commission, 696 Department of Criminal Justice, 701 Central Education Agency

LBB Staff: JOB, ESi, GG, TMP, AI, TP