

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**May 15, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB2086** by Moody (Relating to the prosecution and punishment of the offense of engaging in organized criminal activity.), **As Engrossed**

Depending on the use of the engaging in organized criminal activity provision for the offenses specified in the bill, there could be an indeterminate cost to the state.

The bill would amend the Penal Code to include the offenses of graffiti, escape, permitting or facilitating escape, introducing or providing implements for escape, and prohibited substances and items in adult or juvenile correctional or detention facility or on property of the Texas Department of Criminal Justice or Texas Youth Commission as punishable as engaging in organized criminal activity. The engaging in organized criminal activity provision increases the punishment of certain offenses to the next higher category.

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

Expanding the list of criminal offenses punishable as engaging in organized criminal activity is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or, longer terms of confinement in county jails or prison. 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 probable use of the engaging in organized criminal activity provision for the offenses of graffiti, escape, permitting or facilitating escape, introducing or providing implements for escape, and prohibited substances and items in adult or juvenile correctional or detention facility or on property of the Texas Department of Criminal Justice or Texas Youth Commission; therefore, the probable impact of implementing the bill cannot be determined.

**Local Government Impact**

The probable fiscal impact on local government cannot be determined due to the unavailability of reliable data or information related to the probable use of the engaging in organized criminal activity provision for the offenses specified in the bill.

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

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