

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

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

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

IN RE: HB2328 by Guillen (Relating to regulating employment at or by certain facilities serving the elderly or persons with disabilities and to certain acts committed against those individuals.),
Committee Report 2nd House, Substituted

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Health and Safety Code to include obstruction or retaliation to the list of offenses for which a facility regulated under Chapter 250 may bar employment. The bill would amend the heading of Chapter 253, Health and Safety Code, to read "Certain Employee Misconduct; Registry." The bill would add solicitation of a gift from a resident or consumer of a facility to the list of reportable conducts for an employee of a facility regulated by Chapter 253, Health and Safety Code. The bill would also amend the Penal Code to allow the penalty for certain fraud offenses to be increased to that of the next higher category if it is shown at trial the offense was committed against an elderly individual as defined by Section 22.04, Penal Code (age 65 or older).

The bill would take effect on September 1, 2009.

It is assumed the provisions of the bill relating to the Health and Safety Code would not result in a significant fiscal impact. For this analysis it is also assumed that the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. It is expected individuals who would be affected under the provisions of the bill are currently being sentenced for other, possibly lesser felony, offenses.

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, LM