

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 22, 2009

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

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

IN RE: HB4310 by Gallego (Relating to the investigation, prosecution, and punishment for certain gang-related and other offenses and to the civil consequences of engaging in certain activities of a criminal street gang; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the sections of the Civil Practice and Remedies Code, the Code of Criminal Procedure, the Family Code, the Government Code, the Penal Code, and the Transportation Code dealing with criminal street gangs. The bill would: create new civil causes of action against criminal street gangs; make property obtained through organized crime offenses subject to forfeiture; and require juveniles who have been found to have engaged in delinquent conduct that is also gang-related conduct to participate in a criminal street gang intervention program. Additionally, the bill would create a "Law Enforcement Internal Affairs Unit within the Department of Public Safety (DPS). New criminal offenses would be created, defenses to prosecution would be removed, and punishments would be changed relating to the activities of criminal street gangs. The bill would also automatically suspend a person's driver's license upon conviction of an offense related to organized crime.

The Office of Court Administration, the Office of the Attorney General, the Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice each state that the costs of implementing the requirements of the bill would not be substantial. DPS states that due to their inability to determine an accurate measure of the quantity of requests for the Law Enforcement Internal Affairs Unit, they are unable to determine the subsequent fiscal impact for provisions establishing that unit. DPS anticipates some additional cost related to programming needs required by the bill; however, this analysis assumes that DPS can absorb programming and other related costs within existing resources.

Local Government Impact

The bill would require juvenile probation departments to provide a 12-hour program in criminal street gang awareness to youth who are adjudicated for an offense that is gang-related conduct. According to the Juvenile Probation Commission, there were 5,513 youth who were gang involved and adjudicated and placed on probation.

The Dallas County Juvenile Probation Department has the only formal program targeted for intervention with gang youth on probation. Dallas County contracts for a provider at the cost of \$15 per hour per juvenile for community based work. Costs from county to county would vary significantly depending on the number of youth adjudicated for gang related conduct, the design of the program and the availability of staff or contractors to provide the program.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety, 665 Juvenile Probation Commission, 694 Youth Commission, 696 Department of Criminal Justice

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