

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB359 by Patrick, Dan (Relating to punishment for certain offenses committed in a disaster area or an evacuated area.), **As Passed 2nd House**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Penal Code by enhancing the punishment to the next higher category of offense for the offenses of assault, robbery, burglary, and theft, if the offense is committed in an area that was at the time of the offense subject to a declaration of a state of disaster, or subject to an emergency evacuation order. The bill would add a defense to the charge of theft if the conduct in question meets the elements of necessity outlined in the Penal Code. The bill would become effective September 1, 2009 and the change in law made by this Act applies only to an offense committed on or after September 1, 2009.

Increasing the penalty for any criminal offense is expected to result in increased demands upon correctional resources. The impact of the bill on correctional populations would depend on how many persons would be prosecuted under the provision of the bill, and the extent to which punishment would be enhanced under the proposed statute compared to existing statute. For this analysis it is 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 the resources and services of those agencies.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ESi, DB, GG