

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**May 2, 2009**

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

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

**IN RE: SB366** by Carona (Relating to authorizing consecutive sentencing for certain offenses committed by a member of a criminal street gang.), **As Engrossed**

**The probable impact of implementing the provision of this bill cannot be determined due to the unavailability of reliable data or information related to the number of offenses committed with gang-related conduct.**

The bill would amend the Code of Criminal Procedure relating to a finding regarding gang-related conduct. The bill would amend the Penal Code to permit sentences for more than one offense arising out of the same criminal episode to run concurrently or consecutively if there is an affirmative finding regarding gang-related conduct unless the defendant's case was transferred to the court from the juvenile court.

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

Permitting sentences to run consecutively or concurrently may 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 number of offenses committed with gang-related conduct; therefore, the probable impact of implementing the bill cannot be determined.

**Local Government Impact**

The probable fiscal impact to local government cannot be determined due to the unavailability of reliable data or information related to the number of offenses committed with gang-related conduct.

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

**LBB Staff:** JOB, ESi, KJG, GG, TMP