

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

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

**March 24, 2009**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

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

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

**The probable impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the number or types of offenses committed with a finding or element of the offense participation in a criminal street gang.**

The bill would amend the Penal Code to require sentences to run consecutively if multiple convictions arise out of the same criminal episode with participation in a criminal street gang a finding or element of each offense. The bill would also require a second or subsequent conviction with a finding or element of the underlying offense participation in a criminal street gang to commence on completion of the previous sentence.

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

Requiring sentences to run consecutively rather than concurrently 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 records at the Texas Department of Criminal Justice, the Department of Public Safety, the Office of Court Administration, and the Jail Standards Commission did not reveal any information that would help in an accurate assumption regarding the number or types of offenses committed with a finding or element of the offense participation in a criminal street gang; 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 number of offenses committed with a finding or element of the offense participation in a criminal street gang.

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

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