

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

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

**April 15, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

**IN RE: SB551** by Carona (Relating to civil liability for criminal street gang activity that violates a court-ordered injunction.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Civil Practice and Remedies Code relating to civil liability for criminal street gang activity that violates a court-ordered injunction. The bill would allow governmental entities to seek damages against members of a criminal street gang which would be liable to the state or governmental entity injured by violation of a temporary or permanent injunctive order. A district, county, or city attorney, or the Attorney General, could sue for monetary damages on behalf of the state or governmental entity. If the suit prevailed, governmental entities could recover actual damages, a civil penalty not to exceed \$20,000 for each violation, and court and attorney's fees. The property of the member of the street gang could be seized in execution on a judgement. The Attorney General, or the district, county, or city attorney would deposit money received for damages, or as a civil penalty, in a recovery fund. Money in the fund would be used only for the benefit of the community or neighborhood harmed by the violation of the injunctive order. Interest earned on the money would also be credited to the fund.

The amount of money that such suits could bring into the state's treasury is uncertain. To the extent the bill would add a new cause of action in the state's civil courts, the increase in court activity is not anticipated to be significant. The Office of the Attorney General has also indicated that it could reasonably absorb any increased workload with existing resources. The bill would take effect September 1, 2009.

**Local Government Impact**

Under the provisions of the bill, counties that choose to pursue litigation against persons in a street gang could see a positive fiscal impact depending on the value of the recovered assets; however, there could be some costs associated with litigating a trial. The fiscal impact to local governmental entities is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

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