

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**April 27, 2009**

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

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

**IN RE: SB1256** by Carona (Relating to the prevention and prosecution of, and punishment prescribed for engaging in, organized criminal activity in a gang-free zone.), **As Engrossed**

There are provisions of the bill that are anticipated to have no significant impact to the State or that are assumed could be reasonably be absorbed with existing resources. The fiscal impact of other provisions of the bill cannot be determined due to the unavailability of reliable data or information.

The bill would amend the Penal Code relating to gang-free zones and maps for evidence. The bill would create gang-free zones and increase punishment for offenses of engaging in organized criminal activity to the next higher category of offense if they occur in gang-free zones. Offenses punishable as felonies of the first degree would not be increased to the next higher category. The bill would also amend the Education Code by requiring school district superintendents, administrators of private elementary or secondary schools, governing boards of each institution of higher education, and day-care centers, ensure that handbooks or publications include information on gang-free zones and the consequences of engaging in organized criminal activity within these zones.

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

Increasing the penalty for any criminal offense 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 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 times the offense of engaging in organized criminal gang activity occurred in an area to be designated a gang-free zone; therefore, the probable impact of implementing the bill cannot be determined.

The Texas Education Agency, the Higher Education Coordinating Board, and the Department of Family and Protective Services have determined that the costs associated with requiring handbooks or publications include information on gang-free zones would not be significant.

**Local Government Impact**

The probable impact to local government cannot be determined due to the unavailability of reliable data or information related to the number of times the offense of engaging in organized criminal gang activity occurs in an area designated as a gang-free zone.

**Source Agencies:** 530 Family and Protective Services, Department of, 696 Department of Criminal Justice, 701 Central Education Agency, 781 Higher Education Coordinating Board

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