

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

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

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 times the offense of engaging in organized criminal gang activity occurs in an area designated as a gang-free zone.

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. Convictions resulting in an increase to the next higher category under this provision may not run concurrently with punishment for another conviction.

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.

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: 696 Department of Criminal Justice

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