

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

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

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

IN RE: SB1324 by Nelson (Relating to enhancing penalties for assaulting a family member by strangulation or suffocation.), **Committee Report 1st House, Substituted**

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 assault against a family member, household member, or someone in a dating relationship with the defendant occurred by strangulation or suffocation.

The bill would amend the Penal Code to increase the punishment of assault by strangulation or suffocation of a person whose relationship to the defendant is family member, household member, or dating relationship from a Class A misdemeanor to punishable as a felony of the third degree. The offense would be punishable as a felony of the second degree if the defendant has a prior conviction of certain offenses against a family member, household member, or someone in a dating relationship with the defendant.

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 assault by strangulation or suffocation against a family member, household member, or someone in a dating relationship with the defendant; therefore, the probable impact of implementing the bill cannot be determined.

Local Government Impact

The probable fiscal impact on local government cannot be determined due to the unavailability of reliable data or information related to the number of times assault against a family member, household member, or someone in a dating relationship with the defendant occurred by strangulation or suffocation.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, TMP, ESi, GG