LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82nd LEGISLATURE 1st CALLED SESSION - 2011

June 14, 2011

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

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

IN RE: **HB75** by Harper-Brown (Relating to the punishment for the offense of indecent exposure.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the punishment for indecent exposure. Under the provisions of the bill, the punishment for indecent exposure would be enhanced form a Class B Misdemeanor to a Class A Misdemeanor if the defendant has been previously convicted one time, and a state jail felony if the defendant has been previously convicted two or more times for the offense. A previous conviction under the provisions of the bill would include an adjudication of guilt or a deferred adjudication regardless of whether the sentence was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision. The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties and or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. For this analysis, it is assumed the number of offenders not released under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:
LBB Staff: JOB, ADM, ESi, GG, LM