

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 7, 2011

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

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

IN RE: HB41 by Menendez (Relating to the penalty for certain conduct constituting an offense for false report to peace officer or law enforcement employee.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to make providing a false statement during a criminal investigation to a peace officer or law enforcement employee in which it is alleged that a peace officer engaged in conduct constituting a felony be punishable as a state jail felony. At present, making a false report to a peace officer or law enforcement employee is punishable as a Class B Misdemeanor.

The change in law made by this Act applies only to an offense committed on or after September 1, 2011.

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. 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. It is assumed the number of offenders convicted 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, ESi, GG, LM