

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB260 by Hilderbran (Relating to the prosecution and punishment of unlawful transport of a person.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>

The bill would amend the Penal Code and the Code of Criminal Procedure as it relates to the offense of smuggling of persons and unlawful transport of an individual. The bill would amend the Penal Code to change the offense of unlawful transport of persons to smuggling of persons; the offense would be punishable as a state jail felony except that it would be punishable as a felony of the third degree if committed for pecuniary benefit or if there is substantial likelihood that the transported individual will suffer serious bodily injury or death. The bill would also add the smuggling of persons to the list of offenses for which the engaging in organized criminal activity provision is applied, and for which a proceeding for forfeiture of contraband would be held.

The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

Expanding the list of behaviors for which a penalty is applied for any criminal offense or 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 jail, state jail or prison. However, in the case of this bill, 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, SD, GG, LM, KJG, ESi, ADM