

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

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

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

IN RE: HB1122 by Weber (Relating to the trafficking of persons.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend various sections of the Penal Code, Code of Criminal Procedure, Government Code, Family Code, Tax Code, and Civil Practices and Remedies Code as they relate to the prosecution, punishment, certain criminal consequences, and civil consequences of offenses involving or related to the trafficking of persons. Under the provisions of the bill, compelling prostitution of a child would be punishable as a first degree felony and be added to the list of 3g offenses. The bill would also allow sentences for human trafficking offenses, at the discretion of a judge, to be served consecutively and make an offender charged with human trafficking ineligible for mandatory supervision. Under the provisions of the bill, human trafficking offenses would be added to the list of offenses for which a life sentence is automatic upon subsequent conviction. Sex trafficking, under the provisions of the bill, would be added to the list of offenses for which registration as a sex offender is required. The bill would also add offenses involving or related to the trafficking of persons and compelling prostitution to the sections of the Code of Criminal Procedure relating to the statute of limitations and to the list of offenses for which only a judge can grant bond. Under the provisions of the bill, various sections of the Family Code would be amended as they relate to protective orders, abuse and neglect, and termination of parental rights. The bill would also add trafficking of persons to the list of offenses for which a DNA sample is required, and for which life without parole is automatic upon subsequent conviction. Such offenders would not be eligible for: release to mandatory supervision, parole supervision, or intensive supervision parole.

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

Expanding the list of offenses for which a penalty is applied 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 jails or prison. 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. The changes to the Family Code could increase caseloads for the Department of Family and Protective Services to the extent that abuse complaints are filed related to runaway youth, but the number of reported convictions tied to sex trafficking suggests that this impact would be small. For this analysis, it is assumed that the potential financial impact of the bill could be reasonably absorbed with existing agency resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 530 Family and Protective Services, Department of, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles, 665 Juvenile Probation Commission

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