

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 19, 2011**

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

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

**IN RE: HB1199** by Gallego (Relating to the penalty for certain intoxication assaults.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Penal Code as it relates to the penalty for certain intoxication offenses. The provisions of the bill that enhance existing punishment or create new punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, the punishment for intoxication assault would be enhanced from a third degree felony to a second degree felony if it is shown at the trial of the offense that the person caused serious bodily injury to another in the nature of traumatic brain injury that results in a persistent vegetative state.

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

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, ESi, GG, LM