

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

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

**April 11, 2011**

**TO:** Honorable Byron Cook, Chair, House Committee on State Affairs

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

**IN RE: HB1202** by Riddle (Relating to the creation of the offense of employing or contracting with an unauthorized alien.), **As Introduced**

**The probable impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in the employing or contracting with an unauthorized alien.**

The bill would amend the Penal Code as it relates to certain employment or contracts prohibited under federal law. The bill would create the offense of employing or contracting with an unauthorized alien, which would be punishable as a state jail felony. Under the provisions of the bill, a person would commit the offense identified in the bill if the person employs or contracts an unauthorized alien, or enters into certain contracts or subcontracts for the performance of labor or other work involving an unauthorized alien. The bill would take effect on September 1, 2011.

Broadening the definition of the types of behavior punishable is expected to result in increased demands upon the correctional resources of counties or of the State due to an increase in offenses. It is expected that individuals who would be affected under the provisions of this bill are currently being sentenced under federal statute. According to the Bureau of Justice Statistics Federal Justice Statistics Program website (<http://bjs.ojp.usdoj.gov/fjsrc/>), there were 84,749 arrests nationwide for immigration offenses between October 1, 2008 and September 30, 2009. It is unknown how many of those arrests were for employing or contracting with an unauthorized alien, how many took place in Texas, or how many in the future would be convicted under this statute versus federal statute.

Additionally, a review of Bureau of Justice Statistics information, Texas Department of Criminal Justice records, Department of Public Safety records, Office of Court Administration records, and Jail Standards Commission records did not reveal any information that would help in an accurate assumption regarding the employing or contracting with an unauthorized alien and future prosecutorial decisions to try these cases in state versus federal court; therefore, the probable impact of implementing the bill cannot be determined.

**Local Government Impact**

The Texas Workforce Commission anticipates no fiscal impact to local workforce development boards from this bill.

**Source Agencies:** 320 Texas Workforce Commission

**LBB Staff:** JOB, ADM, LM, KJG, GG