

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

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

**April 11, 2011**

**TO:** Honorable Larry Taylor, Chair, House Committee on Elections

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

**IN RE: HB1679** by Burkett (relating to aid provided to certain voters; providing criminal penalties.),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Elections Code as it relates to aid provided to certain voters. Under the provisions of the bill, punishment would be enhanced from a misdemeanor to a state jail felony; or from a state jail felony to a felony of the third degree, for certain violations of the Elections Code.

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. For this analysis, 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**

The bill would amend the Election Code to elevate a Class A misdemeanor offense under section 64.036 or 86.010 to a state jail felony and elevate a Class B misdemeanor offense under subsection 86.0051(b) or 86.0051(b-1) to a state jail felony.

Implementing the provisions of the bill could increase the number of offenders to be remanded to state jails rather than county jails which would provide a savings to counties. The average cost per day to house an inmate in a county jail varies by county. Savings to local entities would depend on the number of offenders convicted under this section; however fiscal impact is not anticipated to be significant.

**Source Agencies:**

**LBB Staff:** JOB, JT, GG, AI, KKR