

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 5, 2011

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

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

IN RE: HB1722 by Lucio III (Relating to the prosecution and punishment of offenses related to the failure to stop or report certain crimes committed against a child.), **As Introduced**

The probable fiscal impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the number of times someone would fail to stop or report certain crimes against children as listed in the provisions of the bill.

The bill would amend the Penal Code as it relates to the prosecution and punishment of offenses related to the failure to stop or report certain crimes against children. Under the provisions of the bill, failure to stop or report aggravated sexual assault of child currently punishable as a Class A Misdemeanor would be repealed and replaced with failure to stop or report certain crimes against children punishable at various misdemeanor and felony levels. Under the provisions of the bill, failure to stop or report certain crimes against children would be punishable one category lower than the punishment for the offense the actor observes being committed against the child, if the actor observes an offense being committed; or one category lower than the punishment for the attempted commission of the offense the actor observes attempting to be committed against the child, if the actor observes the attempted commission of an offense. If the offense or the attempted commission of an offense the actor observes is a state jail felony, an offense under this section is a Class A misdemeanor.

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

Title 5 Penal Code offenses, Offenses Against the Person, include those offenses within Chapter 19 - Criminal Homicide, Chapter 20 - Kidnapping and Unlawful Restraint, Chapter 20A - Trafficking of Persons, Chapter 21 - Sexual Offenses, and Chapter 22 - Assaultive Offenses. Title 6 Penal Code offenses, Offenses Against the Family, include those offenses within Chapter 25 - Offenses Against the Family. Chapter 43 Penal Code Offenses are those covering Public Indecency. Under the provisions of the bill, a child is defined as someone younger than 17 years of age. The age of a child is defined differently in the various sections of the Penal Code addressed by the provisions of the bill.

The probable fiscal impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the number of times someone would observe the commission or attempted commission of an offense under Title 5 of the Penal Code, Title 6 of the Penal Code, or Chapter 43 of the Penal Code and know that the intended victim was a child who is a member of the actor's family or a current member of the actor's household and the person fails to assist the child or immediately report the commission or attempted commission of the offense when that person was not in danger of suffering serious bodily injury or death.

Local Government Impact

Fiscal impact to units of local government would vary on the number of convictions made under the provisions of the bill but is not anticipated to be significant.

Source Agencies:

LBB Staff: JOB, ESi, GG, LM, KKR