

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

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

**April 4, 2011**

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

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

**IN RE: HB2993** by Miles (Relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody; providing certain enhanced penalties.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Penal Code to enhance the punishment for engaging in improper sexual activity with a person in custody to a felony of the first degree, if the offense involves two or more such conduct during a period that is 30 or more days in duration. The bill would also provide instructions for a criminal action related to the punishment enhancement. Under current statute, engaging in improper sexual activity with a person in custody is punishable as a felony of the second degree if the offense is committed against certain juvenile offenders; otherwise the offense is a state jail felony. The bill would take effect September 1, 2011 and apply only to an offense committed on or after the effective date.

Expanding the list of behaviors for which a penalty is applied for any criminal offense 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. However, in the case of this bill, 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**

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

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG, ADM