

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: HB3384 by Madden (Relating to the penalties for repeat and habitual felony offenders.), As Engrossed

The probable fiscal impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the specific types of felony convictions used for enhancement purposes.

The bill would amend the Penal Code as it relates to the penalties for repeat and habitual felony offenders. Under the provisions of the bill, a previous conviction for a state jail felony offense would no longer be allowed to be considered for most enhancement purposes. The bill would allow for punishment to be enhanced to a third degree felony if it is shown at the trial of a state jail felony that the defendant had been previously convicted of two state jail felonies.

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

Removing state jail felony convictions from the list of felonies considered for enhancement purposes is expected to result in decreased demands upon the correctional resources of counties or of the State due to shorter terms of probation, or shorter terms of confinement in county jails or prison. The probable fiscal impact as a result of implementing the bill cannot be determined due to the unavailability of reliable data or information related to the specific types of felony convictions (state jail, third degree, second degree, and or first degree felonies) used for enhancement purposes.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ESi, GG, LM