

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

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

**March 23, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB82** by Nelson ( Relating to the prosecution of the offense of stalking.), **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 Penal Code and the Code of Criminal Procedure as they relate to the prosecution of the offense of stalking. The bill would amend the Penal Code to include provisions considering the alleged victim's dating relationship for the offense of stalking. The bill would also amend the Penal Code by enhancing the punishment prescribed for the offense of stalking from a felony of the third degree to a felony of the second degree contingent upon not just previous conviction of an offense under this section, but an offense containing elements that are substantially similar under certain other laws. The bill would amend the Code of Criminal Procedure to permit each party to present relevant evidence in prosecutions for stalking. The bill would take effect September 1, 2011 and apply only to an offense committed on or after the effective date.

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**

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

**Source Agencies:**

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