

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

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

**May 13, 2011**

**TO:** Honorable Byron Cook, Chair, House Committee on State Affairs

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

**IN RE: SB146** by Hinojosa (Relating to the offense of smuggling of persons and unlawful transport of an individual; providing penalties.), **As Engrossed**

<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 it relates to the offense of smuggling of persons and unlawful transport of an individual. The bill would amend the Penal Code to change the offense of unlawful transport of persons for pecuniary benefit to smuggling of persons; the offense would be punishable as a state jail felony except that it would be punishable as a felony of the third degree if committed for pecuniary benefit or if there is substantial likelihood that the transported individual will suffer serious bodily injury or death. The bill would also add the smuggling of persons to the list of offenses for which the engaging in organized criminal activity provision is applied, and for which a proceeding for forfeiture of contraband would be held.

The bill would take effect on September 1, 2011 and apply to offenses committed on or after that 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 jail, state jail or prison. However, in the case of this bill, it is assumed that 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, KJG, ESi, GG, LM, ADM