

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

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

IN RE: SB1254 by Carona (Relating to the creation of the offense of employing an individual not lawfully present in the United States.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to include definitions for business, employ, individual not lawfully present, lawful resident alien, and lawful resident verification information.

The bill would create an offense if a business intentionally or knowingly employs an individual not lawfully present punishable by a fine of not more than \$10,000 for a first offense and not more than \$20,000 or less than \$10,000 for each subsequent offense. The attorney general would be authorized to offer to a county or district attorney, the assistance of the attorney general's office in the prosecution of an offense. A district or county attorney, or the attorney general would be authorized to recover reasonable expenses incurred, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

The bill also would establish affirmative defenses to prosecution of a violation by a business as defined by the provisions of the bill.

The Office of the Attorney General anticipates any legal work resulting from the passage of the bill could be reasonably absorbed with current resources.

Local Government Impact

There could be a positive fiscal impact associated with the fines, but the amounts would vary depending on the number of offenses committed and the amount of the fine imposed for a violation; however, the amounts would be partially offset by the costs associated with the prosecution. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: JOB, KJG, SD, TP, TB