

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 15, 2011

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

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

IN RE: SB1436 by Van de Putte (Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend various sections of the Penal Code, Code of Criminal Procedure, and the Government Code to create the offense of continuous trafficking of persons. Under the provisions of the bill, continuous trafficking of persons would be punishable as a first degree felony punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years. Under the provisions of the bill, punishment for a state jail felony would be enhanced to third degree felony if the offender had been previously convicted of continuous trafficking of persons. The bill would also add continuous trafficking of persons to the list of offenses for which there is no statute of limitations, for which bond can only be granted by a judge, for which a DNA sample is required, for which life without parole is automatic upon subsequent conviction, for which an extraordinary vote by the board of pardons and parole is required, not eligible for intensive supervision parole, not eligible for release to mandatory supervision, not eligible for placement in a halfway house, not eligible for community supervision, and to those offenses considered violent.

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

Expanding the list of offenses for which a penalty is applied 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. 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: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

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