

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**March 29, 2011**

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

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

**IN RE: SB1695** by Williams (Relating to penalties for engaging in organized criminal activity.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure, the Government Code, and the Penal Code as it relates to penalties for engaging in organized criminal activity, and directing activities of criminal street gangs. The bill would amend the Code of Criminal Procedure to include engaging in organized criminal activity, and directing activities of criminal street gangs, to the list of offenses considered for award of good conduct time and parole. The bill would amend the Government Code to provide conditions for parole eligibility for engaging in organized criminal activity, and directing activities of criminal street gangs, based on the actual calendar time served of the sentence, without considering good conduct time, and in no event less than two calendar years. The bill would also amend the Government Code to prohibit an inmate from being released to mandatory supervision if the inmate is serving a sentence for, or has been previously convicted of a first degree felony for engaging in organized criminal activity, or directing activities of criminal street gangs. The bill would reenact Section 71.02 (b) and (c) of the Penal Code, as amended by Acts of the 73rd Legislature, 1993, relating to establishing the level of punishment for certain offenses involving engaging in organized criminal activity, or conspiring to commit such offense; the minimum time of imprisonment for an offense punishable as a felony of the first degree would be 15 years. The bill would amend the Penal Code by providing conditions for which the directing activities of criminal street gangs provision would apply, and by removing specifications in reference to certain "criminal street gang"; the offense would be punishable as a felony of the first degree, with a minimum time of imprisonment of 25 years.

The bill would amend the Health and Safety Code by providing exceptions to preparatory offenses under the Texas Controlled Substances Act relating to the performance of an overt act involving criminal conspiracy. The bill would take effect September 1, 2011 and apply only to an offense committed on or after the effective 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. For this analysis, it is assumed implementing the provisions of the bill would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources of those agencies.

**Local Government Impact**

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

**Source Agencies:**

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