

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 24, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB32** by Menéndez (Relating to the punishment for and certain other consequences of committing the offense of prostitution.), **As Engrossed**

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

The bill would amend the Penal Code as it relates to the punishment for committing the offenses of promotion of prostitution and aggravated promotion of prostitution. Under the provisions of the bill, the criminal penalties for certain prostitution-related offenses would be enhanced if certain criteria were met. The bill increases the penalty for the offenses of promotion of prostitution and aggravated promotion of prostitution. Increasing the penalty for any criminal offense is expected to increase demands on state and/or county correctional agency resources due to longer terms of community supervision, county jail confinement, state correctional institution confinement, and/or parole. However, in the case of the bill, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

The bill would amend the Health and Safety Code to authorize the commissioners court of a county or the governing body of a municipality to create a first offender prostitution prevention program for defendants charged with an offense under Section 43.02 of the Penal Code, and would specify procedures for program services. According to the Office of Court Administration, no significant fiscal impact on the state is anticipated. According to the Comptroller of Public Accounts, the fiscal impact on the state cannot be estimated. In addition, any administrative costs would not result in a fiscal impact to the agency.

**Local Government Impact**

There would be a positive fiscal impact to a county or a municipality that chose to create a first offender prostitution prevention program for the collection of the victim services fee, but the amount would vary depending on the number of participants and the amount of the program fee. In addition, there would be costs associated with establishing a program that would offset some of the revenue collected. It is assumed that a county or a municipality would establish a program only if sufficient resources were available or the program would not result in a negative fiscal impact.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, ESi, GG, JPo

