

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

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

**April 19, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

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

**IN RE: HB38** by Menéndez (Relating to the penalty for an offense involving motor vehicle airbags.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code as it relates to the penalty for an offense involving motor vehicle airbags. Under the provisions of the bill, the penalty for an offense involving motor vehicle airbags would be increased from a class A misdemeanor to a state jail felony. The bill would also expand the penalty range creating a first degree felony if an offense involving motor vehicle airbags resulted in death. Under current law, an offense involving motor vehicle airbags is a state jail felony if the offense results in serious bodily injury or a third degree felony if the person committing the offense has a previous conviction for an offense involving motor vehicle airbags.

The bill would take effect on September 1, 2013 and apply to offenses committed on or after that date.

Increasing the penalty or expanding the penalty range for any criminal offense is expected to result in increased demands upon the correctional resources of counties and or the State due to longer terms of probation, or longer terms of confinement in county jail, state jail, or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. This analysis assumes the number of offenders convicted under 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 and services of those agencies. In fiscal year 2012, less than 10 people were arrested, placed on probation, or admitted to a state correctional facility for an offense involving motor vehicle airbags. Additionally in fiscal year 2012, less than 10 people were under community supervision or incarcerated within a state correctional facility for an offense involving motor vehicle airbags.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** UP, AG, LM, ESi

