

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

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

**April 21, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB262** by Miles (Relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody; providing certain enhanced penalties.), **As Introduced**

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

The bill would amend the Penal Code to enhance the punishment for engaging in improper sexual activity with a person in custody to a felony of the first degree if, during a period that is 30 or more days in duration, the person on two or more occasions engages in this conduct. Under current law, engaging in improper sexual activity with a person in custody is punishable as a felony of the second degree if the offense is committed against certain juvenile offenders; otherwise the offense is a state jail felony.

The bill increases the punishment for the offense of improper sexual activity with a person in custody. Increasing the punishment of any criminal offense is expected to increase demands on state and county correctional agency resources due to individuals serving longer terms of community supervision, 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.

**Local Government Impact**

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

**Source Agencies:**

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