

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 13, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB328 by Dutton (Relating to the punishment for certain conduct constituting the offense of official oppression and to the statute of limitation on prosecution of that conduct.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure as it relates to the punishment of certain conduct constituting the offense of official oppression and to the statute of limitation on prosecution of that conduct. Under the provisions of the bill, the punishment for official oppression would be enhanced from a Class A misdemeanor to a third-degree felony when the offense consists of the intentional or knowing suppression of evidence favorable to a defendant and material to the defendant's guilt or punishment in a criminal trial. The bill would take effect on September 1, 2013, and only apply to offenses committed on or after that date.

A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and/or a fine not to exceed \$4,000. A third-degree felony is punishable by confinement in prison for a term of two to ten years and, in addition to confinement, an optional fine not to exceed \$10,000.

The bill would increase the penalty for official oppression. 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 and/or state correctional institution confinement, and/or parole. However, in the case of this bill, this analysis assumes that the number of offenders convicted under this statute would not significantly impact state correctional agencies' workload and programs or the demand for their resources and services.

Local Government Impact

Implementing this bill's provisions could increase the number of offenders remanded to state prisons rather than county jails. This change is expected to reduce demands on county resources. The average cost per day to house an inmate in a county jail varies by county. Savings to local entities would depend on the number of individuals convicted under this section; however, the fiscal impact is not anticipated to be significant.

Source Agencies:

LBB Staff: UP, ESi, GG, JGA