

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 22, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB452 by Dukes (Relating to the punishment prescribed for engaging in certain acts of deadly conduct.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the punishment for deadly conduct. Under the provisions of the bill the offense of deadly conduct involving the discharge of a firearm would be punished as a second degree felony if the offender discharged a firearm in the direction of a habitation, building, or vehicle with knowledge that the habitation, building, or vehicle was occupied. Under current law the offense of deadly conduct involving the discharge of a firearm is punished as a third degree felony if the offender discharges a firearm in the direction of a habitation, building, or vehicle and is reckless as to whether that habitation, building, or vehicle is occupied. The bill also amends the Family Code to add deadly conduct involving the discharge of a firearm to the list of offenses for which a prosecutor may refer to the grand jury a juvenile petition alleging delinquent conduct that constitutes habitual felony conduct.

The bill increases the punishment for the offense of deadly conduct under certain circumstances. 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: 212 Office of Court Administration, Texas Judicial Council, 644 Texas Juvenile Justice Department

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