

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

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

**March 11, 2013**

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

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

**IN RE: HB1082** by Gooden (Relating to the prosecution and punishment of the offense of intoxication assault.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1082, As Introduced: a negative impact of (\$2,200,770) through the biennium ending August 31, 2015.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	(\$1,100,385)
2015	(\$1,100,385)
2016	(\$1,100,385)
2017	(\$1,100,385)
2018	(\$1,100,385)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from <i>General Revenue Fund</i> 1</b>
2014	(\$1,100,385)
2015	(\$1,100,385)
2016	(\$1,100,385)
2017	(\$1,100,385)
2018	(\$1,100,385)

**Fiscal Analysis**

The bill would amend the Penal Code as it relates to the prosecution and punishment of intoxication assault offenses. Under the provisions of the bill, the punishment for certain intoxication assault offenses that cause bodily injury would be a state jail felony. The bill would take effect on September 1, 2013, and only applies to offenses committed on or after that date.

## **Methodology**

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties and/or of the state due to longer terms of supervision and/or incarceration. In fiscal year 2012, there were 1,386 arrests for both an affected intoxication offense and an offense causing bodily injury other than serious bodily injury. Of these arrests, 1,088 were misdemeanor offenses and would be elevated to a state jail felony under the bill's provisions. 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.

It is assumed that a similar proportion of these arrests would result in sentences to the Texas Department of Criminal Justice (TDCJ) as are arrests for similar intoxication offenses that cause serious bodily injury. In fiscal year 2012, there were 1,993 arrests for intoxication offenses causing serious bodily injury, and 1,798 of these arrests were for felony offenses. In fiscal year 2012, there were 223 TDCJ incarcerations (or 12.4 percent of felony arrests) for intoxication offenses causing serious bodily injury. It is assumed that 12.4 percent of the 1,088 felony arrests for an intoxication offense and bodily injury offense would result in TDCJ state jail incarcerations (or 135 incarcerations).

To estimate the future impact, the daily costs of Texas Department of Criminal Justice (TDCJ) incarceration are estimated to be \$42.90 per inmate for state jail facilities. The annual cost is estimated by multiplying the daily inmate cost (\$42.90) by the total number of inmates affected annually (135) by the total number of days they are estimated to be incarcerated (190 days).

## **Local Government Impact**

Increasing the penalty for certain intoxication offenses causing bodily injury from a misdemeanor to a state jail felony offense would represent a shift in responsibility from local government to state government relating to the burden of confinement of convicted offenders. The shift in responsibility is expected to result in increased demands upon state correctional resources; the expected positive impact to local government would be spread proportionately, based on the frequency of convictions. No significant fiscal implication to units of local government is anticipated.

### **Source Agencies:**

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