

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

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

**April 15, 2013**

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

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

**IN RE: HB1628** by Harper-Brown (Relating to the punishment for the offense of indecent exposure.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Penal Code as it relates to the punishment for indecent exposure. Under the provisions of the bill, the punishment for indecent exposure would be enhanced from a Class B misdemeanor to a Class A misdemeanor if the defendant has been previously convicted one time, and to a state jail felony if the defendant has been previously convicted seven or more times for the offense. A previous conviction under the provisions of the bill would include an adjudication of guilt or a deferred adjudication regardless of whether the sentence was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

The bill increases the penalty for indecent exposure. 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 confinement, 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**

The offense of indecent exposure would in some cases be elevated to a Class A misdemeanor or a state jail felony. Costs associated with enforcement, prosecution, and confinement could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**

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