

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: HB1748 by Branch (Relating to the punishment for defendants who commit certain aggravated sexual assaults.), **As Introduced**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the number of persons sent to prison for aggravated sexual assault whose victims were 14 to 16 years old and suffered serious bodily injury as a result of the offense.

The bill would amend the Penal Code as it relates to the punishment for aggravated sexual assault. Under current law aggravated sexual assault is punishable as a first degree felony and, under certain circumstances the minimum term of imprisonment is 25 years without the possibility of parole. Under the provisions of the bill the same circumstances that make this offense punishable as a first degree felony with a minimum term of imprisonment is 25 years without the possibility of parole would now make that offense punishable by life without parole as long as the defendant was at least 17 years old at the time of the offense. Under this provision of the bill, it is expected that any impact on offenders' length of incarceration would not significantly impact state correctional agencies' workload and programs within the first five years of the bill's implementation. In subsequent years, the bill's fiscal impact may increase as additional offenders are subject to the bill's provisions; this is dependent on the frequency with which the penalty is employed.

Under the provisions of the bill, the offense of aggravated sexual assault would be punishable by life without parole if the victim was 14 to 16 years old, suffered serious bodily injury, and the defendant was at least 17 years old at the time of the offense. These circumstances are currently punishable as a first degree felony with the possibility of parole.

Increasing the punishment for aggravated sexual assault in these circumstances is expected to result in increased demands upon the correctional resources of the state due to longer terms of confinement in prison. The bill may have a negative fiscal impact by increasing the length of stay for individuals incarcerated within state correctional institutions for aggravated sexual assault. Whether the bill would result in a significant amount of cost to the state is indeterminate due to a lack of statewide data on the number of persons sent to prison for aggravated sexual assault whose victims were 14 to 16 years old and suffered serious bodily injury as a result of the offense.

Local Government Impact

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

Source Agencies:

LBB Staff: UP, ESi, GG, JPo