

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2979 by Parker (Relating to the prosecution and punishment of certain offenses involving injury to a child, elderly individual, or disabled individual.), **Committee Report 1st House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the number of offenders who would be subject to the bill's provisions.

The bill would amend the Code of Criminal Procedure, Government Code, and Penal Code as it relates to the prosecution and punishment of certain offenses involving injury to a child, elderly individual, or disabled individual. Under the provisions of the bill, defendants incarcerated for first-degree felony offenses causing serious mental deficiency, impairment, or injury to a child would become eligible for parole after serving one-half of their sentence or 30 years, whichever is less, but at least two years. Under current law, these inmates are eligible for parole after they serve one-quarter of their sentence.

Also under the provisions of the bill, defendants convicted of the first-degree felony offense of causing serious bodily injury to a child or serious mental deficiency, impairment, or injury to a child would no longer be eligible for community supervision. The bill's provisions also create an offense of continuous physical abuse of a child, elderly individual, or disabled individual. This offense would be a first-degree felony punishable by imprisonment in the Texas Department of Criminal Justice for life or between 25 and 99 years. Additionally, these offenders would be eligible for parole once their actual calendar time served plus their good conduct time equals one-half of the sentence imposed or 30 years, whichever is less.

The bill increases the penalty for certain offenses and creates a new felony offense. 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. The bill is expected to have a negative fiscal impact by increasing the number of people incarcerated within state correctional institutions for certain offenses. Whether the bill would result in a significant cost to the state is indeterminate due to a lack of statewide data on the exact amount of people who would be affected by the bill's provisions. At present, data do not exist that would indicate the number of people who would be convicted under the newly created offense. The number of people expected to be incarcerated under the bill's other provisions 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:

LBB Staff: UP, ESi, GG, JGA