

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

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

**May 13, 2013**

**TO:** Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE:** SB1348 by West (Relating to certain criminal offenses concerning the unlawful transfer or purchase of certain weapons.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to increase the punishment for unlawful transfer of a weapon from a Class A misdemeanor to a third degree felony. The bill also adds unlawful purchase of weapons and knowingly making a false or misleading statement for purposes of complying with the national instant criminal background check system to the definition of this offense. The bill also adds any firearm to certain provisions of this statute. The bill would increase the maximum term of imprisonment to 15 years if a person directed, managed or supervised five or more persons engaged in certain violations of this offense. In addition, the bill adds unlawful transfer or purchase of certain weapons to the list of offenses that can also be punished under certain circumstances as the offense of engaging in organized criminal activity. Unlawful transfer or purchase of certain weapons would be punished as a second degree felony if it was prosecuted under that section of the Penal Code.

The bill increases the penalty for unlawful transfer of weapons and expands the definition of this offense. Increasing the penalty and expanding the definition 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. 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**

Implementing the bill's provisions could increase the number of offenders remanded to state prisons rather than county jails. This change is expected to reduce demands on county resources. The average cost per day to house an inmate in a county jail varies by county. Savings to local entities would depend on the number of individuals convicted under this section; however, the fiscal impact is not anticipated to be significant.

**Source Agencies:**

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