

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

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

**April 16, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE:** SB1772 by Huffman (Relating to the prosecution and punishment of certain offenses committed against juveniles in custody; imposing a criminal penalty.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Penal Code as it relates to the offenses of violation of the civil rights of a person in custody and improper sexual activity with a person in custody. The bill adds a juvenile justice facility operated by or under contract with a juvenile board to the definition of custody for these offenses. It also replaces Texas Youth Commission with Texas Juvenile Justice Department in this section of the law. The offenses of violation of the civil rights of a person in custody and improper sexual activity with a person in custody are punishable as a Class A misdemeanor, a state jail felony, or a second degree felony, depending upon the circumstances.

The bill expands the definition of the offenses of violation of the civil rights of a person in custody and improper sexual activity with a person in custody. Expanding the definition of any criminal offense is expected to increase demands on state and county correctional agency resources due to more individuals serving 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**

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

**Source Agencies:**

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