

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1363** by Johnson (Relating to the prosecution of and punishment for the offense of prostitution; creating a criminal offense.), **As Engrossed**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to an actor's role in the offense of prostitution.

The bill would amend the Health and Safety Code as it relates to the prosecution and punishment for the offense of prostitution. The bill would separate the punishment for the seller from that for the buyer and reduce the punishment for the seller. Under the provisions of the bill, punishment for the seller would be a class B or class A misdemeanor and would be based on the number of previous convictions. Under current law, prostitution is punishable at the misdemeanor and felony level with punishment based on the circumstances of the offense.

Reducing the penalty for any criminal offense is expected to result in decreased demands upon the correctional resources of counties or of the State due to shorter terms of supervision in the community or shorter terms of confinement state correctional institutions. The bill would have a positive fiscal impact by decreasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to a lack of statewide data on the individual's role in the encounter, specifically which of these individuals served as the seller in the encounter and would therefore be eligible for the penalty reduction outlined in the bill's provisions.

Local Government Impact

The bill would modify misdemeanor offenses. Changes in costs associated with enforcement, prosecution, and confinement are not anticipated to have a significant fiscal impact. Changes in revenue from fines imposed and collected are not anticipated to have a significant fiscal impact.

Source Agencies:

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