

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2858 by Burns (Relating to human trafficking signs at abortion facilities and offenses associated with human trafficking and forced abortion; increasing criminal penalties.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated except for an indeterminate impact associated with amending the Penal Code, as described below.

The bill would require abortion facilities to display signs related to human trafficking, following certain criteria. The executive commissioner of the Health and Human Services Commission (HHSC) would be required to adopt any rules necessary to implement provisions of the bill related to displaying human trafficking signs by December 1, 2017.

The bill would amend the Penal Code related to human trafficking and classify an offense that results in the death of an unborn child of the person who is trafficked as a felony of the first degree. Additionally, the bill would amend the Penal Code related to assaults to classify the offense of causing bodily harm against a pregnant person to force that person to have an abortion as a felony of the third degree. Additionally, the bill would amend the Penal Code related to assaults to classify the offenses of threatening or physical contact against a pregnant person to force the person to have an abortion as a Class A misdemeanor.

According to analysis provided by HHSC and the Office of Court Administration, any costs associated with implementing the provisions of the bill, related to adopting rules or court administration, can be absorbed within existing agency resources.

The probable impact of implementing the bill's provisions which amend the Penal Code relating to assault cannot be determined because data collected at the statewide level do not contain the necessary detail related to the specific circumstances of an assault specified in the bill, information necessary to determine the impact associated with the bill's enhancement provision. To the extent that the number of assaults committed that involve intentional, knowing, or reckless causation of bodily harm against a pregnant person to force that person to have an abortion is significant, costs would increase commensurately. The probable impact of the bill as it relates to human trafficking punishments under the Penal Code also cannot be determined, because data collected at the statewide level do not contain the necessary detail related to the specific circumstances of human trafficking that result in the death of an unborn child.

Local Government Impact

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

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 529 Health and Human Services Commission, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: UP, AKU, JGA, AG, LR, RGU