

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2908 by Hunter (Relating to the punishment for a criminal offense committed against a person because of bias or prejudice on the basis of status as a peace officer or judge; increasing a criminal penalty.), **As Engrossed**

The probable impact of implementing the bill is indeterminate because data collected at the statewide level do not reveal the number of trial cases involving peace officers or judges, information necessary to determine the impact of the enhancement provision. Additionally, data collected at the statewide level do not distinguish between peace officers, judges, or other public servants, information necessary to determine the impact associated with the increases in punishment.

Under the provisions of the bill, certain offenses committed against peace officers or judges would be enhanced to the punishment prescribed for the next higher category offense if an affirmative finding of bias or prejudice is found by a court. The bill would also increase the punishment for certain offenses if those offense are committed against a peace officer or judge.

Enhancing or increasing the penalty for any offense is expected to result in increased demands on the correctional resources of the counties or of the state due to longer terms of supervision in the community or longer terms of confinement within state correctional institutions. The bill may have a negative fiscal impact by increasing the number of individuals under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact on correctional agencies is indeterminate because data collected at the statewide level do not contain the detail necessary to isolate those individuals arrested, placed under community supervision, or incarcerated for certain offenses committed against peace officers or judges under the circumstances in which these offenses would be enhanced or increased.

The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

According to the Texas Association of Counties, the fiscal impact to counties is not anticipated to be significant. A Class A misdemeanor is punishable by a fine of not more than \$4000, 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, 407
Commission on Law Enforcement, 696 Department of Criminal Justice

LBB Staff: UP, KJo, LM, RFL, SD, JGA, ZB, JPo