

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

Revision 1

May 3, 2017

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**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; increasing a criminal penalty.), **Committee Report 1st House, Substituted**

**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, information necessary to determine the impact of the enhancement provision. Additionally, data collected at the statewide level do not distinguish between peace officers and 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 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. 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. Whether the bill would result in a significant fiscal impact on correctional agencies is indeterminate due to a lack of statewide data containing the detail necessary to isolate those individuals arrested, placed under community supervision, or incarcerated for certain offenses committed against peace officers 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

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