

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3539 by Landgraf (relating to increasing the criminal penalty for assault of a pregnant woman; increasing a criminal penalty.), **Committee Report 1st House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate because data collected at the statewide level do not reveal the number of assault cases involving a pregnant victim, information necessary to determine the impact of the bill's enhancement provision.

The bill would amend the Penal Code as it relates to the penalty for assault of a pregnant victim. Under the provisions of the bill, intentionally, knowingly, or recklessly causing bodily injury to someone the actor knows or should have known is pregnant at the time of the offense would be a third degree felony.

Enhancing the penalty for any offense is expected to result in increased demands on the correctional resources of the counties or of 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 state correctional agencies is indeterminate due to a lack of statewide data containing the detail necessary to isolate those individuals arrested or placed under community supervision for assault under the circumstances in which this offense would be enhanced. The Office of Court Administration does not anticipate a significant fiscal impact.

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

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

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