

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 10, 2017**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB3948 by Geren (Relating to the punishment for the offense of tampering with or fabricating physical evidence.), **As Engrossed**

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of statewide data related to the number of individuals who engaged in the offense of tampering with or fabricating physical evidence in connection to investigations or official proceedings related to offenses punishable only as a misdemeanor.**

The bill would amend the Penal Code as it relates to the punishment for the offense of tampering with or fabricating physical evidence. Under the provisions of the bill, a Class A misdemeanor offense would be created for tampering with or fabricating physical evidence in proceedings or investigations related to offenses punishable only as misdemeanors. The bill would also reduce the punishment for tampering with or fabricating physical evidence from a third degree felony to a Class A misdemeanor under certain circumstances. Reducing the punishment for any offense is expected to result in decreased demands upon the correctional resources of the counties or of the State due to an expected decrease in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. The bill may have a positive fiscal impact by decreasing the number of individuals placed under community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of statewide data related to the number of individuals who engaged in the offense of tampering with or fabricating physical evidence in connection to investigations or official proceedings related to offenses punishable only as a misdemeanor. The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of this Act.

**Local Government Impact**

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, 696  
Department of Criminal Justice

**LBB Staff:** UP, KJo, LM, RFL, JGA