

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

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

**April 10, 2017**

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

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

**IN RE: HB3978** by Moody (Relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code as it relates to the offenses of sexual assault and aggravated sexual assault. Under the provisions of the bill, consent would be defined for the purposes of sexual assault and aggravated sexual assault and certain sections of the aggravated sexual assault definition would be modified. The bill would also make engaging in certain activities with someone who is incapable of providing consent or where consent has been withdrawn punishable as a second degree felony.

The Texas Department of Criminal Justice and Office of Court Administration do not anticipate a significant fiscal impact as a result of implementing the provisions of the bill.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on the demand for state correctional resources. 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

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