

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

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

**May 15, 2017**

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

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

**IN RE: SB900** by Huffman (Relating to penalties for certain family violence offenses and for assaultive offenses against certain persons; imposing court costs.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB900, As Engrossed: a negative impact of (\$228,540) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

**General Revenue-Related Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b> |
|--------------------|---|
| 2018               | \$0   |
| 2019               | (\$228,540)   |
| 2020               | (\$930,773)   |
| 2021               | (\$1,795,725)   |
| 2022               | (\$1,576,566)   |

**All Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Savings/(Cost) from General Revenue Fund</b> |
|--------------------|--|
|                    | <b>1</b>   |
| 2018               | \$0  |
| 2019               | (\$228,540)  |
| 2020               | (\$930,773)  |
| 2021               | (\$1,795,725)  |
| 2022               | (\$1,576,566)  |

## **Fiscal Analysis**

The bill would amend various codes as they relate to the punishment for certain family violence offenses and for certain assaultive offenses against certain persons. Under the provisions of the bill, the punishment for certain assault family violence offenses would be enhanced to a second degree felony based on the number of prior convictions for certain offenses. The bill would also establish a minimum term of confinement for individuals placed under community supervision for certain family violence offenses, and establish an additional court cost of \$500 for individuals convicted of certain family violence offenses. The bill would also create the offense of continuous injury to a child, elderly individual, or disabled individual, which would be punishable by a first degree felony.

## **Methodology**

This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

In fiscal year 2016, there were 297 individuals placed under felony and misdemeanor community supervision for assaultive offenses involving family violence whose punishment under the provisions of the bill would be increased to a second degree felony based on the number of prior convictions for certain offenses. Based on sentencing patterns in the adult criminal justice system, a total of 219 individuals would have their length of supervision increased and 28 would be sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 460 individuals were admitted into state correctional institutions for third degree felony assaultive offenses involving family violence whose punishment under the provisions of the bill would be increased to a second degree felony based on the number of prior convictions for certain offenses included within their criminal history. Based on sentencing patterns in the adult criminal justice system, 448 of these individuals would have their length of stay within state correctional institutions increased.

Costs are estimated based on the state costs per day for adults within Texas Department of Criminal Justice (TDCJ) correctional institutions (\$61.63), under community supervision (\$1.78), and the estimated length of stay. Since the bill takes effect September 1, 2017, and on average, it is over a year between arrest and admission into a state correctional institution for individuals with these offenses, there would be no fiscal impact in fiscal year 2018. Costs are estimated at \$228,540 in fiscal year 2019, \$930,773 in fiscal year 2020, and expected to increase in subsequent fiscal years. The \$500 court cost would be paid to the county treasurer and under the provisions of the bill, may be used only to fund family violence prevention programs, battering intervention and prevention programs, family violence centers, and other resources for victims of family violence in the county where the court is located. This analysis assumes the provisions of the bill creating the offense of continuous injury to a child, elderly individual, or disabled individual would not result in a significant impact on the demand for state correctional resources. The Office of Court Administration does not anticipate a significant impact to the state court system. 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 Texas Association of Counties, the fiscal impact cannot be determined. An offense under the provisions of the bill is a Class A misdemeanor punishable by a fine of not more than \$4,000, confinement in jail for a term not less than 30 days nor 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, 304  
Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** UP, KJo, LM, JPo, SD, FR, AG, JGA