

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 1, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1322 by Kolkhorst (Relating to increasing the punishment for the offense of possession or promotion of child pornography; changing parole eligibility.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend various codes as they relate to the punishment for the offense of possession or promotion of child pornography and would change the parole eligibility for the offense. Under the provisions of the bill, certain offenses related to the possession or promotion of child pornography would not be eligible for parole if an affirmative finding is made that the victim was younger than six years of age at the time the image was made. The bill would also expand the list of behaviors for which a punishment can be enhanced for certain offenses related to possession or promotion of child pornography if the victim was younger than 14 years of age at the time the image was made. The punishment for certain offenses related to the possession or promotion of child pornography would range from a third degree to a first degree felony with the punishment level increasing in severity based on the number of previous convictions or the age of the child depicted.

The Board of Pardons and Paroles, the Office of Court Administration, and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions 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, 697 Board of Pardons and Paroles

LBB Staff: UP, KJo, LM, RFL