

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

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

**May 3, 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 certain conduct constituting the offense of possession or promotion of child pornography.), **Committee Report 1st House, Substituted**

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

The bill would amend the Penal Code as it relates to the punishment for certain conduct constituting the offense of possession or promotion of child pornography. Under the provisions of the bill, the list of behaviors for which a punishment would be enhanced would be expanded for certain offenses related to the possession or promotion of child pornography if the victim was younger than 14 years of age at the time the image was made. The bill would also expand the list of offenses eligible for penalty enhancement in cases where an individual has previous convictions for certain offenses related to possession or promotion of child pornography. The punishment for certain 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:**

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