

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1822 by Burton (relating to the creation of a commission to review certain penal laws of this state and certain recommendations regarding those laws, to criminal offenses previously compiled in statutes outside the Penal Code, to repealing certain of those offenses, and to conforming punishments for certain of those offenses to the penalty structure provided in the Penal Code; increasing the punishment for sabotage and sedition; imposing a civil penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would establish a commission to review certain penal laws and provide recommendations regarding those laws. The commission would be composed of members appointed by offices identified in the bill and would require the commission to provide a report on its findings and recommendations no later than November 1, 2018. The commission would be abolished on December 31, 2018.

The bill would amend the Penal Code to move and revise criminal offenses and associated penalties within the code. The bill would move sections of code addressing the offenses of failure to comply with identity theft, pyramid promotional schemes, sabotage, and sedition to the Penal Code. The bill would also revise the penalties associated with several civil and criminal offenses. The bill would add sabotage to the list of felonies that may result in a charge of capital murder and would prohibit some frivolous licensing challenges and complaints.

According to the Office of Court Administration, the change in penalties associated with offenses modified by the bill would not result in a significant change in court costs, fines and fees resulting from these criminal offenses. In addition, creation of the commission to review certain penal laws and provide recommendations could be absorbed with existing resources and no significant fiscal impact is anticipated. Additionally, based on the analysis of the Department of Public Safety, Department of Criminal Justice, and Parks and Wildlife Department, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

The bill modifies certain misdemeanor offenses. 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.

According to the Office of Court Administration, no significant fiscal impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 405 Department of Public Safety, 696
Department of Criminal Justice, 802 Parks and Wildlife Department

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