

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 11, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB24** by Romero, Jr. (relating to increasing criminal penalties for certain family violence offenses committed when a child is or may be present during the commission of the offense.), **Committee Report 1st House, Substituted**

The fiscal impact of implementing the bill is indeterminate due to the lack of data or information that would allow the number of cases in which certain assault and aggravated assault offenses were committed in the physical presence of a person who is younger than 18 years of age to be distinguished from all other assault and aggravated assault cases. These data are necessary to estimate the fiscal impact of the bill's provisions.

The bill would amend the Penal Code to increase the punishment for certain assault and aggravated assault cases if they were committed in the physical presence of person who is younger than 18 years of age. Under the provisions of the bill, in these circumstances, the punishment for assault would be increased from a Class A misdemeanor to a state jail felony, and the punishment for aggravated assault would be increased from a second degree felony to a first degree felony. Increasing the punishment for any criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community, additional persons sentenced to a term of confinement in state correctional institutions, and longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact cannot be determined due to the lack of data or information related to the number of cases in which certain assault and aggravated assault offenses were committed in the physical presence of a person who is younger than 18 years of age. The Office of Court Administration and the Texas Department of Criminal Justice indicate the modifications outlined in the bill's provisions will not result in a significant fiscal impact.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 696 Department of Criminal Justice, 212 Office of Court Administration,
Texas Judicial Council

LBB Staff: WP, JPo, LBO, LM, AF