

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 30, 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: HB309 by Moody (Relating to the creation of the criminal offense of indecent assault, to judicial protection for victims of that offense, and to certain criminal acts committed in relation to that offense.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Penal Code to create the offense of indecent assault. The bill would make certain conforming changes in the Penal Code, the Government Code, and the code of Criminal Procedure relating to this new offense. The bill would require the Comptroller of Public Accounts (CPA) to make certain determinations and would make additional amendments to the Penal Code contingent on that decision. The offense created by this bill would be a Class A misdemeanor or, in some circumstances, partially qualify an offender for a conviction on a felony of the third degree.

According to the Office of Court Administration (OCA), while the bill would add a new offense, the number of new cases are not anticipated to be many; therefore, no significant fiscal impact to the state court system is anticipated.

According to CPA, the bill would have no administrative cost to the agency.

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. 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 OCA, while the bill would add a new offense, the number of new cases are not anticipated to be many; therefore, no significant fiscal impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
 Comptroller of Public Accounts

LBB Staff: WP, LBO, GP, SD, DGi