LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 8, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

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

IN RE: **HB1028** by Guillen (Relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.), **As Engrossed**

> **The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information related to areas which would be impacted by future disasters or evacuations and the number of times the punishment would be increased because the offense occurred in these areas.**

The bill would amend the Penal Code to add certain offenses to the list of crimes for which the punishment would be increased if they are committed in a disaster or evacuated area.

Increasing the penalty 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 or longer terms of confinement in state correctional institutions. The bill may have a negative population impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of data or information related to areas which would be impacted by future disasters or evacuations and the number of times the punishment would be increased at trial to the next higher category because the offense occurred in these areas.

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 on local entities.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council
LBB Staff: WP, CMa, DGi, LBO, LM, AF