

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 24, 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: HB1261** by Bell, Keith (Relating to a presumption that applies to certain conduct involving certain controlled substances that endangers a child.), **As Introduced**

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of data that would allow cases which would be eligible for prosecution as endangering a child due to conduct as outlined in the bill related to controlled substances in Penalty Group 1 to be isolated from all other abandoning or endangering a child cases. These data are necessary to determine the fiscal implications of the bill.**

The bill would amend the Penal Code as it relates to a presumption that applies to certain conduct involving certain controlled substances that endangers a child. Under the provisions of the bill, it would be presumed that a person engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if a person engaged in conduct related to a controlled substance listed in Penalty Group 1 as outlined in the bill. Endangering a child is currently punishable as a state jail felony.

Expanding the circumstances for which a criminal penalty is applied is expected to result in additional demands on the correctional resources of the counties and of the State due to an increase in individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. Whether the bill would have a significant fiscal impact is indeterminate due to the lack of data that would allow those cases in which a person endangers a child due to conduct related to controlled substances in penalty group 1 from all other endangering a child cases. The Office of Court Administration indicates the modifications outlined in the bill's provisions will not result in a significant fiscal impact to the state court system.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

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

**LBB Staff:** WP, LBO, LM, SPa