

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

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

**April 29, 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: HB1513** by Coleman (Relating to a criminal offense committed against a person because of bias or prejudice on the basis of gender identity or expression.), **As Introduced**

**The probable fiscal impact of implementing the bill is indeterminate due to a lack of statewide data containing the level of detail necessary to distinguish cases, in which an offense was motivated by bias or prejudice because of an individual's gender identity or expression, from all others cases in which an offense was not motivated by such bias or prejudice. These data are necessary to determine the fiscal implications associated with the bill's provisions.**

The bill would amend the Code of Criminal Procedure as it relates to the affirmative finding of bias or prejudice. The bill would expand the list of group types against which specific offenses would require a judge to enter an affirmative finding that an actor selected a victim with intentional bias or prejudice because of the victim's membership in the group. An affirmative finding of this type may be used to enhance the penalty for a variety of offenses.

Whether the bill would result in a significant fiscal impact on state correctional institutions is indeterminate due to a lack of statewide data containing the level of detail necessary to separate cases in which an offense was motivated by bias or prejudice because of an individual's gender identity or expression from all others cases. Because an affirmative finding of bias or prejudice may be used to enhance the penalty for an offense, these data are necessary to estimate the potential number of penalty enhancements. 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

**LBB Staff:** WP, LBO, DA, DGi, LM