

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: HB2613 by Frullo (relating to the offense of operation of a stash house and to funding certain crime victim services through the use of money derived from a civil asset forfeiture of contraband related to that offense, human smuggling and trafficking offenses, and certain prostitution offenses; creating a criminal offense.), **Committee Report 1st House, Substituted**

The bill would have an indeterminate fiscal impact to the state due to revenue collections associated with the creation of the new offense and the expansion of the definition of contraband effecting property or proceeds being subject to forfeiture. The number of defendants that would pay court costs and fees and the extent to which property and proceeds that would be subject to forfeiture would impact revenues is unknown.

The bill would amend the Penal Code to create a Class A misdemeanor offense of operation of a stash house, in which a person knowingly uses or permits another to use any real estate or other property owned by the person to commit an offense of smuggling, human trafficking, and certain prostitution offenses. The bill would amend the Code of Criminal Procedure to require a prosecutor or law enforcement agency to use asset forfeiture proceeds gained from the operation of a stash house to provide victim services or to cover the costs of a contract with a nonprofit organization to provide services to crime victims.

According to the Comptroller of Public Accounts, although creating a new offense could result in an increase in revenue due to the collection of fines, court costs, or fees associated with the offense and expanding the definition of contraband could result in more property subject to forfeiture, the extent of the revenue impact to the state cannot be determined.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either in, with, or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

According to the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing court resources.

The bill would take effect September 1, 2019.

Local Government Impact

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

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

LBB Staff: WP, LBO, MW, DA, AF, LCO