

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: HB3135 by Cain (Relating to affirmative defenses to prosecution for certain offenses involving material or conduct that is obscene or otherwise harmful to children.), **As Introduced**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Penal Code as it relates to affirmative defenses to prosecution for certain offenses involving material or conduct that is obscene or otherwise harmful to children. Under the provisions of the bill, certain conduct previously considered eligible for an affirmative defense to prosecution or material deemed to have certain justification for an affirmative defense to prosecution would no longer be eligible for such defenses. These offenses are punishable at multiple felony levels with punishment based on the specific circumstances of the offense.

The Office of Court Administration and the Texas Department of Criminal Justice indicate the modifications outlined in the bill's provisions will not result in a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

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

LBB Staff: WP, LBO, LM, SPa, DA, AF