

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 30, 2019

TO: Honorable James White, Chair, House Committee on Corrections

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

IN RE: HB4104 by White (relating to the punishment for the offense of prostitution and to programs for certain defendants charged with or convicted of prostitution.), **Committee Report 1st House, Substituted**

The cost of implementing the provisions of this bill cannot be determined until a competitive contract is awarded for the required programs and residential services; specifically, the provision of the bill which establishes a new residential program in an environment unlike a prison facility.

The bill would amend the Code of Criminal Procedure to require a judge to suspend the sentence of a defendant convicted of a state jail felony prostitution offense and be placed on community supervision if the defendant has not been convicted of any other state jail felony prostitution offense. The bill would also require a judge to require as a condition of community supervision that the defendant submit to a term of confinement and participate in a rehabilitation program for prostitution offenders. The bill would allow the dismissal and expunction of the person's criminal record for the offense of prostitution who successfully completes a rehabilitation program for prostitution offenders.

The bill would require the Texas Department of Criminal Justice, in consultation with the Health and Human Services Commission, to create and administer a rehabilitation program for prostitution offenders placed on community supervision by September 1, 2020 that is evidence-based, provide defendants with access to support programs, and houses defendants in a compassionate, safe, and secure environment that lacks the typical characteristics of a prison facility. Based on the analysis of the Health and Human Services Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

According to the Texas Department of Criminal Justice, under the provisions of the bill, a competitive contract would need to be awarded for the required program and residential services; specifically for a new residential program in an environment that lacks the typical characteristics of a prison facility. The cost of implementing the provisions of this bill cannot be determined until a competitive contract is awarded.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses

would not result in a significant impact on state correctional agencies. Additional information is provided in the Criminal Justice Impact Statement.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 405 Department of Public Safety, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice

LBB Staff: WP, LBO, MW, DA, SPa, JSm, AN