

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 10, 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 sentencing procedures and punishment for the offense of prostitution and to programs for certain defendants charged with or convicted of prostitution.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4104, As Introduced: a negative impact of (\$291,056) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$179,528)
2021	(\$111,528)
2022	(\$111,528)
2023	(\$111,528)
2024	(\$111,528)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund	Change in Number of State Employees from FY 2019
	1	
2020	(\$179,528)	1.0
2021	(\$111,528)	1.0
2022	(\$111,528)	1.0
2023	(\$111,528)	1.0
2024	(\$111,528)	1.0

Fiscal Analysis

The bill would amend the Government Code to require the Office of Court Administration (OCA), to collaborate with other governmental and nonprofit community organizations to develop an

evidence based screening tool to be used to determine whether a defendant convicted of prostitution is a victim of human trafficking and to make the tool available to judges on the OCA's website by December 1, 2019.

The bill would amend the Code of Criminal Procedure to require a judge to use the new screening tool to determine whether the defendant is a victim of human trafficking to inform the judge's decision on punishment.

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.

The bill would take effect September 1, 2019.

Methodology

Based on historical costs to the OCA with similar projects that require evidence-based validation, the development of the human trafficking screening tool and placement on the agency website is estimated to cost \$68,000 in fiscal year 2020.

Under the provisions of the bill, OCA is required to develop the tool in consultation with the Office of the Governor, Office of the Attorney General, Department of Public Safety, Health and Human Services Commission, Department of Family and Protective Services, Texas Juvenile Justice Department, Texas Department of Criminal Justice, and nonprofit organizations involved in criminal justice issues. According to the OCA, the bill would require 1.0 FTE to oversee the development of the screening tool and conduct training programs for magistrates and court personnel on the use of the tool. This analysis assumes an annual salary of \$82,656 plus benefits which are estimated to be \$28,875 each fiscal year, or \$111,528.

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.

Based on the Office of the Governor, Office of the Attorney General, Department of Public Safety, Health and Human Services Commission, Department of Family and Protective Services, Texas Juvenile Justice Department, and Texas Department of Criminal Justice, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Technology

This analysis estimates a cost of \$68,000 in fiscal year 2020 for the development of the human trafficking screening tool.

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 Trusted 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

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