

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 28, 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: HB4106 by Bell, Keith (Relating to the prosecution and punishment of the offense of intoxication assault.), **As Introduced**

The fiscal impact of implementing the bill is indeterminate due to the lack of data necessary to determine the number of cases of driving, flying, boating, or operating an amusement ride while intoxicated that involve bodily injury. These data are necessary to estimate the fiscal impact of the bill's provisions.

The bill would amend the Penal Code to increase the punishment for driving, flying, boating, or operating an amusement ride while intoxicated under certain circumstances. Under existing statute these offenses are punishable as a Class A or B misdemeanor, depending upon the circumstances, if they cause no injury and as a third degree felony if they cause serious bodily injury. Under the provisions of the bill, these offenses would be punishable as a state jail felony if they caused bodily injury.

Increasing the punishment for these criminal offenses is expected to result in additional demands upon the correctional resources of counties or of the state due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. Whether the bill would result in a significant fiscal impact cannot be determined due to the lack of data or information related to the number of individuals who caused bodily injury in commission of the offenses subject to the bill's provisions. The Office of Court Administration indicates the modifications outlined in the bill's provisions would not result in a significant fiscal impact to the state court system.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

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

LBB Staff: WP, LBO, LM, JPo, AF