

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: HB4341 by Collier (Relating to increasing criminal penalties for the offense of making a firearm accessible to a child.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to increasing criminal penalties for the offense of making a firearm accessible to a child. Under the provisions of the bill, making a firearm accessible to a child would be punishable at the misdemeanor or felony level with the punishment based on the specific circumstances of the offense. Under current statute, making a firearm accessible to a child is punishable as a Class C or A misdemeanor.

The Office of Court Administration and the Texas Department of Criminal Justice indicate the modifications outlined in the bill's provisions would 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

The bill increases the penalty for this offense from a Class C misdemeanor to a Class B misdemeanor, except that the penalty is increased to a state jail felony if the child discharges the firearm and causes death or serious bodily injury to the child or another person. 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. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication. A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. 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

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