

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 16, 2021**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB9** by Klick (Relating to the criminal punishment and conditions of community supervision for the offense of obstructing a highway or other passageway; increasing a criminal penalty.), **As Engrossed**

**Enhancing the penalty for a criminal offense is expected to result in additional demands on the correctional resources of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information on the number of cases of the offense of obstruction of a highway or passageway which specifically involved either the prevention of passage of certain emergency vehicles or obstruction of access to certain health care facilities. This information is necessary to identify, from among all cases of the offense, only those which, under the provisions of the bill, would be eligible for a penalty enhancement. Identifying these cases would provide a basis for determining the extent of the fiscal implications associated with implementing the provisions of the bill.**

The bill would amend various codes as they relate to the criminal punishment and conditions of community supervision for the offense of obstructing a highway or other passageway. Under the provisions of the bill, preventing the passage of certain emergency vehicles or obstructing access to certain health care facilities would be punishable as a state jail felony and the actor, if granted community supervision, would serve a minimum term of confinement in county jail.

Enhancing the penalty for a criminal offense is expected to result in additional demands on the correctional resources of the counties or of the State due to an increase in individuals placed under supervision in the community, sentenced to terms of confinement in state correctional institutions, or placed under parole supervision. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of cases in which the obstruction involved preventing the passage of certain emergency vehicles or obstructing access to certain health care facilities. The Office of Court Administration indicates the modifications outlined in the bill's provisions would not result in a significant fiscal impact.

**Local Government Impact**

According to El Paso County, no significant fiscal impact to the county is anticipated. The impact to other units of local government is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, DKN, LM, DGI