

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 18, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB285 by Murr (Relating to increasing the punishment for certain conduct constituting the criminal offense of obstruction or retaliation.), **As Introduced**

Expanding the set of behaviors that allow for enhanced punishment for a criminal offense could result in additional demands on the correctional resources of the counties or of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information on the number of cases that involve public servants. This information is necessary to isolate, from all other cases, only those which would qualify for penalty enhancements under the provisions of the bill.

The bill would amend the Penal Code as it relates to obstruction or retaliation. Under the provisions of the bill, the offense would be punishable as a second degree felony if the victim was harmed or threatened because of the victim's service or status as a public servant.

Expanding the set of behaviors that allow for enhanced punishment for a criminal offense could 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 or sentenced to terms of confinement within state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people under 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 that would allow identification of victims who were public servants.

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

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

Source Agencies: 212 Office of Court Admin, 696 Department of Criminal Justice

LBB Staff: JMc, DKN, LM, DGI