

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 15, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB367 by Sherman, Sr. (Relating to the prosecution and reporting of certain offenses committed because of bias or prejudice; creating a criminal offense.), **As Introduced**

Creating a new offense would result in a negative fiscal impact. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of data or information that would allow the number of cases in which the judgment contained an affirmative finding under Article 42.014 of the Code of Criminal Procedure.

The bill would amend various codes as they relate to the possession of a firearm by a felon who has committed certain offenses related to a hate crime. Under the provisions of the bill, an individual whose previous criminal history contains a conviction for certain offenses where an affirmative finding for a hate crime has been entered, would commit an offense if they possessed a firearm before the fifth anniversary of their release from confinement or supervision.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in a jail for a term not to exceed one year, 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.

The County and District Clerks' Association of Texas noted that HB 367, as introduced could have a significant fiscal impact on some counties.

Hays County indicated the bill may have a fiscal impact that cannot be determined at this time. This fiscal impact would include software modification fees for any reporting requirements that would require programming by the case management software vendor.

Travis County indicated the bill would require law enforcement agencies to enter additional information into state databases. It could have a fiscal impact by way of additional staffing hours depending on how it is implemented, but they would not expect this to be a major operational change or major fiscal impact.

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

LBB Staff: JMc, DKn, LM, MP