

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB624 by Shine (Relating to increasing the criminal penalty for certain offenses committed in retaliation for or on account of a person's service or status as a public servant.), **As Engrossed**

Expanding the set of behaviors that allow for enhanced punishment for a criminal offense is expected to 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 in which the victims were public servants. This information is necessary to isolate cases which would qualify, under the provisions of the bill, for penalty enhancements, from all other cases.

The bill would amend the Penal Code as it relates to increasing the criminal penalty for certain offenses committed in retaliation for or on account of a person's service or status as a public servant. Under the provisions of the bill, punishments for certain offenses would be increased to the next higher category of offense if shown at trial the victim was a public servant, the relative of public servants, or that the offense involved property belonging to a public servant.

Expanding the set of behaviors that allow for enhanced punishment 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 that would allow identification of victims who were public servants, relatives of public servants, or cases involving the property of public servants. The Office of Court Administration indicates no significant fiscal impact to the state is anticipated.

Local Government Impact

The offenses enhanced by the bill would become Class A and Class B misdemeanors. 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. 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.

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

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