

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 14, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB789 by Geren (Relating to the punishment for the criminal offense of tampering with or fabricating physical evidence.), **As Introduced**

Providing for a penalty reduction would result in a positive 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 physical evidence tampered with or fabricated related only to an offense punishable as a misdemeanor to be distinguished from all other tampering with or fabricating physical evidence cases. These data are necessary to estimate the extent of the fiscal impact associated with implementing the bill's provisions.

The bill would amend the Penal Code to reduce the punishment for tampering with or fabricating physical evidence in certain circumstances from a third degree felony to a Class A misdemeanor if the physical evidence tampered with or fabricated was related only to an offense punishable as a misdemeanor. Reducing the punishment for any criminal offense is expected to result in fewer demands upon the correctional resources of counties or of the State due to shorter terms of supervision in the community and fewer persons sentenced to a term of confinement within state correctional institutions. The bill may have a positive fiscal impact by decreasing the number of people incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact cannot be determined due to the lack of data or information related to the number of cases in which the physical evidence tampered with or fabricated was related only to an offense punishable as a misdemeanor.

The Office of Court Administration indicates the modifications outlined in the bill would not result in a significant fiscal impact. The Comptroller of Public Accounts indicates there would be no administrative costs to the agency.

Local Government Impact

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. 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.

Bexar County does not anticipate a fiscal impact on their county. The Texas Association of County and District Attorneys does not anticipate a significant fiscal impact on counties.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

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