

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB816 by Krause (Relating to the creation of a commission to review certain penal laws of this state and to make certain recommendations regarding those laws, to criminal offenses previously compiled in statutes outside the Penal Code, to repealing certain of those offenses, and to conforming punishments for certain of those offenses to the penalty structure provided in the Penal Code; increasing the punishment for the criminal offenses of sedition, sabotage, and capital sabotage; imposing a civil penalty.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend, transfer, repeal and redesignate various criminal offenses, moving certain offenses into the Penal Code from elsewhere in Texas statute and revise penalties associated with certain offenses. The bill would also create a commission to study and review certain penal laws, reporting findings and recommendations no later than November 1, 2022. Commission members would not be entitled to compensation and the commission would be abolished on December 31, 2022.

The Office of Court Administration, the Department of Criminal Justice, and the Comptroller of Public Accounts indicate the modifications outlined in the bill's provisions would not result in a significant fiscal impact. This analysis assumes implementing the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. 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. 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.

Travis County does not anticipate a significant fiscal impact, however the commission findings may create fiscal impacts which are unknown. The Texas District and County Attorneys Association does not anticipate a fiscal impact. Fiscal impact to other units of local governments cannot be determined at this time.

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

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