

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 23, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1540** by Thompson, Senfronia (Relating to regulation of certain facilities and establishments with respect to, civil remedies for certain criminal activities affecting, and certain criminal offenses involving health, safety, and welfare; creating a criminal offense; increasing criminal penalties.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The Texas Education Agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement the provision using other appropriations available for that purpose.

The bill would amend various codes as they relate to regulation of certain facilities and establishments with respect to, civil remedies for certain criminal activities affecting, and certain criminal offenses involving health, safety, and welfare.

The Office of Court Administration, Texas Education Agency, Department of Public Safety, Texas Alcoholic Beverage Commission, and Texas Department of Criminal Justice 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 would not result in a significant impact on the demand for state correctional resources.

**Local Government Impact**

Under the provisions of the bill, certain Class A misdemeanor offenses would be expanded and a Class C misdemeanor would be created. 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 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. 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 impact.

According to Travis County, the provisions in the bill that would enhance punishment ranges when offenses are committed near residential childcare facilities could have a small fiscal impact on criminal courts, but only on a small number of cases. The county further notes the provision allowing for law enforcement to give administrative notice of certain violations instead of arrests could result in a cost savings in enforcement, and the provision clarifying the basis for recovery of attorney's fees could make cost recovery easier.

**Source Agencies:** 212 Office of Court Admin, 405 Department of Public Safety, 458 Alcoholic Beverage Commission

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