

**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: HB1925** by Capriglione (Relating to prohibitions on camping in a public place and to a political subdivision's designation of property for camping by homeless individuals; creating a criminal offense.), **As Passed 2nd House**

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

The bill would amend the Penal Code to create a Class C misdemeanor offense of intentionally or knowingly camping in a public place without effective consent.

The bill would amend the Government Code to require a political subdivision to file a plan with, and receive approval from, the Department of Housing and Community Affairs before designating a property to be used by homeless individuals to camp.

The bill would prohibit a local entity from adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban. The Attorney General could bring an action against a locality violating that provision and a locality found in violation would be denied state grant funds for the state fiscal year following.

Based on information provided by the Comptroller of Public Accounts, the Office of the Attorney General, the Office of Court Administration, and the Department of Housing and Community Affairs, it is assumed that the costs associated with the bill could be absorbed using existing resources

**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. Costs associated with enforcement and prosecution 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 the Office of Court Administration, no significant fiscal impact to local courts is anticipated.

According to the Office of Attorney General, the bill would allow the agency to seek injunctive relief and recover reasonable expenses that were incurred in obtaining relief including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs against local entities who violate the bill. The local entity found to be in violation of the bill would be forced to provide or pay for legal representation and any expenses awarded by the court, which could be very costly. A local entity that violates the bill could also be denied state grant funds.

**Source Agencies:** 212 Office of Court Admin, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 332 Dept Housing-Comm Affairs

**LBB Staff:** JMc, LBO, AF, CMA, ANE, SMAT