

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**April 18, 2021**

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

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

**IN RE: HB2198** by Schaefer (Relating to the prosecution and punishment for certain offenses regarding the possession or promotion of lewd material depicting a child; creating criminal offenses; increasing criminal penalties.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The provisions of the bill addressed by this analysis would amend the Penal Code as it relates to the prosecution and punishment for certain offenses regarding the possession or promotion of lewd material depicting a child. Under the provisions of the bill, the definition of related prohibited conduct would be amended, modifications would be made to the elements necessary to prove commission of the offense, the type of evidence required for consideration when determining whether certain elements of the offense have been proven at trial would be enumerated, and certain applicable defenses to prosecution of related offenses would be clarified. Under existing statute, the related offense of possession or promotion of child pornography is punishable as a third, second, or first degree felony dependent on the circumstances of the offense.

The Office of Court Administration indicates that the modifications outlined in the bill's provisions would not result in a significant fiscal impact on the state court system. The Comptroller of Public Accounts indicates that the fiscal impact cannot be determined at this time. 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**

The Texas Association of Counties does not anticipate a significant fiscal impact to counties.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts

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