

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2315 by Turner, John (Relating to the forfeiture of contraband relating to the criminal offense of racing on a highway.), **As Passed 2nd House**

Enhancing the penalty for a criminal offense could result in additional demands on the correctional resources of the counties or of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information on the number of cases in which the obstruction of a highway or passageway offense was committed while engaging in certain prohibited driving. This information is necessary to identify only those cases which would be subject to the bill's enhancement provisions.

The bill would amend various codes as they relate to certain criminal offenses related to highways and motor vehicles. Under the provisions of the bill, if the offense of obstructing a highway or passageway was committed while engaging in certain prohibited driving, it would be punishable as a Class A misdemeanor or as a state jail felony, depending on the circumstances of the offense, and interfering with a peace officer's investigation of highway racing or of a reckless driving exhibition would be punishable as a Class B misdemeanor. Additionally, the definition of contraband would be amended to include, in certain circumstances, property used in the commission of the offense of racing on a highway.

Enhancing the penalty for a criminal offense could result in additional demands on the correctional resources of the counties or of the State due to an increase in individuals placed under supervision in the community or sentenced to terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of cases in which the obstruction was committed while engaging in certain prohibited driving. The Comptroller of Public Accounts indicates the fiscal impact on the state cannot be estimated.

Local Government Impact

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.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: JMc, LBO, LM, DGI, DKN, AF