

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: HB3157 by Reynolds (Relating to the criminal offenses of violation of civil rights of and improper sexual activity with persons in custody; increasing a criminal penalty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code and increase the criminal penalty for violation of civil rights and improper sexual activity with persons in custody. Under the provisions of the bill, the criminal penalty for violation of civil rights would be increased to a third degree felony, and the punishment for improper sexual activity with persons in custody would be increased to a first degree felony. Under existing statute, violation of civil rights is punishable as a Class A misdemeanor and improper sexual activity with persons in custody is punishable as a state jail felony.

The Juvenile Justice Department and 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

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 644 Juvenile Justice Department, 696 Department of Criminal Justice

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