

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: HB3350 by Moody (Relating to a protective order regarding a defendant charged with certain offenses against persons or property; creating a criminal offense.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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This bill would amend the Code of Criminal Procedure to allow a person to file an application for a protective order at any proceeding in which the defendant appears before the court related to offenses against the person or against the family; offenses involving arson, criminal mischief, or other property damage or destruction; robbery; burglary and criminal trespass; interference with emergency request for assistance; and stalking.

The bill would also require the court upon issuance to make a finding that probable cause exists to believe that an offense was committed and that the nature of the scheme or course of conduct engaged in by the defendant in committing the offense indicates the defendant is likely to engage in the prohibited conduct in the future. The bill would provide that application for and enforcement procedures of such orders would be fully governed by Title 4 of the Family Code and includes such an order in the list of types of orders a violation of which can be charged with a class A misdemeanor pursuant to Penal Code Section 25.07.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

This analysis assumes implementing the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

The offense created by the bill would be a Class A misdemeanor. 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

LBB Staff: JMc, DKN, BH, AF