

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

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

**May 11, 2021**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

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

**IN RE: SB472** by Kolkhorst (Relating to the protection of animal and crop facilities; creating a criminal offense.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Agriculture Code to create a criminal offense for intentional damages, theft, breaking and entering, or possession of records or equipment without consent for animal or crop facilities. The bill provides definitions for this offense and provides that the offense is a Class B misdemeanor if the loss caused to a facility is less at least \$500 but not more than \$2500 or a Class A misdemeanor if the loss is more than \$2500. The bill would require a court, after considering the defendant's financial circumstances, to order a defendant convicted of the above criminal offense to pay restitution to the facility owner or operator in certain amounts. The restitution order would be enforced by the state or by a victim, and the court could hold a hearing to make findings of fact and amend the restitution order if the defendant fails to pay the victim as specified by the court.

The bill would allow the facility owner or operator to seek injunctive relief in a district court against a person who engages or threatens to engage in conduct that would be an offense under the new criminal offense outlined above. The bill would allow the court to grant appropriate injunctive relief.

Based on the analysis of the Office of Court Administration, any new case volume driven by the bill should be absorbed by existing court resources, and no significant fiscal impact to the state court system is anticipated.

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

**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.

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

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, AJL, BH, MW, AF