

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 29, 2021

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1164 by Campbell (Relating to the prosecution of the offense of sexual assault.), **Conference Committee Report**

Expanding the circumstances for a criminal offense is expected to result in additional demands on the correctional resources of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of data that would allow cases to be identified as nonconsensual as specified under the provisions of the bill. These data are necessary to identify those cases that would be eligible for prosecution as sexual assault from all other cases.

The bill would amend the Penal Code as it relates to the prosecution of the offense of sexual assault. Under the provisions of the bill, the circumstances for a sexual assault without the consent of the other person would be expanded to include when the actor is a coach, tutor, or caregiver as outlined in the bill. Under these circumstances, sexual assault would be punished as a second degree felony. Sexual assault is punished at multiple felony levels with the punishment level based on the specific circumstances of the offense.

Expanding the circumstances for a criminal offense is expected to result in additional demands on the correctional resources of the counties and of the State due to an increase in individuals placed under supervision in the community or sentenced to terms of confinement within state correctional institutions. Whether the bill would have a significant fiscal impact is indeterminate due to the lack of data that would allow those cases in which the actor was the coach, tutor, or caregiver as specified in the bill to be isolated from all other cases.

The Office of Court Administration indicates the modifications outlined in the bill's provisions would not result in a significant fiscal impact.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin, 696 Department of Criminal Justice

LBB Staff: JMc, LBO, LM, SPA, DKN