

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

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

**May 11, 2021**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

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

**IN RE:** SB1164 by Campbell (Relating to the prosecution of the offense of sexual assault.), **Committee Report 2nd House, Substituted**

**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consent of the other person would be expanded to include when the actor knows the other person is intoxicated or has withdrawn consent or when the actor is a coach, tutor, or caregiver as outlined in the bill.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the lack of data that would allow those cases in which the actor knew the victim was intoxicated, knew consent had been withdrawn, was the coach or tutor, or was the caregiver hired to assist the individual to be isolated from all other cases.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, DKN, LM, SPA