

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**April 20, 2021**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB1495** by Huffman (Relating to certain criminal offenses related to highways and motor vehicles; creating a criminal offense; increasing a criminal penalty.), **As Introduced**

**Enhancing the penalty for a criminal offense could result in additional demands on the correctional resources of the counties or of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information on the number of cases in which the obstruction of a highway or passageway offense was committed in furtherance of racing on a highway or a reckless driving exhibition. This information is necessary to identify only those cases which would be subject to the bill's enhancement provisions.**

The bill would amend various codes as they relate to the offenses of obstruction of a highway or passageway and reckless driving. Under the provisions of the bill, if the offense of obstructing a highway or passageway was committed in furtherance of racing on a highway or a reckless driving exhibition, it would be punishable as a state jail felony, fines and jail time for the offense of reckless driving would be increased, and the knowing attendance as a spectator at certain prohibited motor vehicle exhibitions would be punishable as a Class C misdemeanor.

Enhancing the penalty for a criminal offense could result in additional demands on the correctional resources of the counties or of the State due to an increase in individuals placed under supervision in the community or sentenced to terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of cases in which the obstruction was committed in furtherance of the offenses of racing on a highway or a reckless driving exhibition. The Office of Court Administration indicates the modifications outlined in the bill's provisions would not result in a significant fiscal impact to the state court system. The Comptroller of Public Accounts indicates the fiscal impact on the state cannot be estimated.

**Local Government Impact**

The offense created by the bill would be a Class C misdemeanor. A Class C misdemeanor is punishable by a fine of not more than \$500. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

The Office of Court Administration indicates that modifications outlined in the bill's provisions relating to the Transportation Code could potentially result in a revenue increase for local government ranging from \$1,808,000 to \$8,588,000 due to increased fines.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts

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