

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATURE 3rd CALLED SESSION 2023

October 31, 2023

TO: Honorable Brian Birdwell, Chair, Senate Committee on Border Security

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4 by Spiller (Relating to prohibitions on the illegal entry into or illegal presence in this state by a person who is an alien, the enforcement of those prohibitions, and authorizing under certain circumstances the removal of persons who violate certain of those prohibitions; creating criminal offenses.), **As Engrossed**

Creating a new criminal offense may result in additional demands upon state correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

The bill would create misdemeanor offenses for illegal entry from a foreign nation and illegal reentry by certain aliens. The penalties would be increased ranging from a state jail felony to a second degree felony in cases with certain previous convictions or under certain conditions. The bill would authorize a peace officer, in lieu of arresting or taking a person before a magistrate, to remove a person charged and detained for such an offense by collecting available identifying information of the person, transporting the person to a port of entry, and ordering the person to return to the foreign nation from which the person entered or attempted to enter. The bill would make it a second degree felony if the person refuses to comply with such an order. The bill would prohibit enforcement of the criminal offenses outlined in the bill's provisions on certain premises or grounds and would establish provisions for indemnification of certain claims relating to the enforcement of such offenses.

The Office of Court Administration indicates that the fiscal impact cannot be determined but anticipates the possibility of increased demands on border county courts that could require additional funding to support indigent defense in those counties and to create one or more county courts-at-law.

The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, creating a new criminal offense may result in additional demands on local prosecutorial and correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

Source Agencies:

LBB Staff: JMc, CMA, LBO, DGI