

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATURE 3rd CALLED SESSION 2023

October 15, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB11 by Birdwell (Relating to the creation of the criminal offense of improper entry from a foreign nation.), **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 the Class A misdemeanor offense of improper entry from a foreign nation. The penalty would be increased to a state jail felony in the case of a previous conviction of the offense and increased to a second or first degree felony in the case of certain previous felony convictions. The bill would require a law enforcement officer of the Department of Public Safety who arrests a person for such an offense, to the extent feasible, to detain the person in a facility established under Operation Lone Star or a similar border security operation of this state.

The Office of Court Administration (OCA) and the Comptroller of Public Accounts both indicate that the fiscal impact cannot be determined. OCA further indicates 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: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, CMA, LBO, ESch, SD