

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

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 19, 2023**

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

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

**IN RE: HB55** by Johnson, Julie (Relating to the punishment for the criminal offense of indecent assault; increasing a criminal penalty.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would increase the penalty for the offense of indecent assault from a Class A misdemeanor to a state jail felony if the defendant has been previously convicted of indecent assault or is a health care services or mental health services provider and the act is committed during the course of providing a treatment or service that is beyond the scope of generally accepted practices. The penalty would be increased to a third degree felony if the defendant has been previously convicted of such indecent assault conduct as a health care services or mental health services provider. It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Local Government Impact**

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, DDeI, LBO, MGol