

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 1, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB65 by Spiller (Relating to the prosecution and punishment of certain criminal offenses committed in the course of or for the purpose of avoiding certain law enforcement checkpoints or evading an arrest or detention; increasing criminal penalties.), **Committee Report 1st House, Substituted**

Increasing the penalty for an existing 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 the lack of data to estimate the prevalence of conduct that would be subject to an increased criminal penalty under the provisions of the bill.

The bill would establish a presumption for certain conduct constituting the offense of smuggling and would increase the penalty for certain offenses if it is shown that the actor committed the offense in the course of or for the purpose of intentionally avoiding a federal or state law enforcement checkpoint or engaging in conduct constituting the offense of evading arrest or detention.

The fiscal impact and any 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 that would be subject to an increased criminal penalty under the provisions of the bill.

Local Government Impact

While the fiscal impact cannot be determined, increasing the penalty for an existing offense may result in additional demands upon local 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, 407 Commission on Law Enforcement

LBB Staff: JMc, SMAT, LBO, ESch