

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

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

**March 13, 2023**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB1300** by Geren (Relating to the punishment for the criminal offense of tampering with or fabricating physical evidence.), **As Introduced**

Reducing the punishment for an existing criminal offense may result in reduced demands upon state correctional resources due to a possible decrease 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 identify the number of cases in which the physical evidence tampered with or fabricated was related only to a misdemeanor offense.

The bill would reduce the punishment for tampering with or fabricating physical evidence from a third degree felony to a Class A misdemeanor if the thing altered, destroyed, or concealed could be used as evidence in the investigation only of or an official proceeding related only to a misdemeanor offense.

The Office of Court Administration (OCA) and the Comptroller of Public Accounts indicate that there may be an indeterminate reduction in state revenue associated with court costs.

The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to the lack of data to identify the number of cases in which the physical evidence tampered with or fabricated was related only to a misdemeanor offense. Based on the *February 2023 Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day for an incarcerated adult was \$77.49 in a systemwide facility, which resulted in an annual cost of \$28,284.

**Local Government Impact**

While the fiscal implications cannot be determined, OCA indicates that units of local government may see an increase in revenue related to court costs as well as additional demands on local correctional facilities.

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

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