

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 18, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1589 by Cook (Relating to increasing the criminal penalty for certain family violence assaults.),
As Engrossed

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 identify the number of cases of certain family violence related assaults where the defendant had previous convictions described by the bill's provisions from other cases of assault.

The bill would increase the criminal penalty for Class A misdemeanor assault if the assault was committed against a person whose relationship to or association with the defendant is dating, family, or household as described by the Family Code and if the defendant has been previously convicted of violating or repeatedly violating certain court orders or conditions of bond by committing family violence against a person whose relationship to or association with the defendant is dating, family, or household as described by the Family Code. The penalty would be increased to a third degree felony or further to a second degree felony if such assault was committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

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 of certain family violence related assaults where the defendant had previous convictions described by the bill's provisions from other cases of assault.

Local Government Impact

While the fiscal impact to units of local government 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

LBB Staff: JMc, DDel, LBO, DGI