LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 24, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3816** by Herrero (Relating to the use of metal or body armor while committing an offense; increasing a criminal penalty.), **As Introduced**

> 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 outlined in the bill's provisions that would be subject to increased criminal penalties.

The bill would make certain offenses against a person subject to a penalty enhancement if the actor used metal or body armor during the commission of the offense and would establish procedures related to an affirmative finding regarding the use of metal or body armor.

The fiscal impact and any impact on state correctional populations or on the demand for state correctional resources cannot be determined due to the lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to increased criminal penalties. According to the Office of Court Administration, the fiscal impact to the state court system is not expected to be significant.

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, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

LBB Staff: JMc, DDel, LBO, ESch