

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**April 4, 2023**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Community Safety, Select

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

**IN RE: HB4014** by Murr (Relating to prohibiting the carrying of a handgun by a member of a criminal street gang while engaged in criminal activity; creating a criminal offense; changing the eligibility for community supervision.), **As Introduced**

Expanding the conduct constituting and modifying 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 cases that involved a member of a criminal street gang and to estimate the prevalence of the specific conduct outlined in the bill's provisions that would be subject to criminal penalties.

The bill would expand the conduct constituting the offense of unlawful carrying of a weapon to include certain carrying of a handgun by a member of a criminal street gang while engaged in criminal activity and make the conduct punishable as a third degree felony. The bill would prohibit placement on community supervision for a defendant convicted of such an offense and would prohibit release on personal bond or placement on deferred adjudication community supervision for a defendant charged with such an offense.

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 cases that involved a member of a criminal street gang and to estimate the prevalence of the specific conduct outlined in the bill's provisions that would be subject to criminal penalties. The state revenue impact cannot be determined and would be dependent on the number of offenses committed and the associated court costs.

The Office of Court Administration anticipates no significant fiscal impact to the state court system.

**Local Government Impact**

While the fiscal impact cannot be determined, expanding the conduct constituting and modifying the penalty for an existing offense may result in increased 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, 696 Department of Criminal Justice

**LBB Staff:** JMc, DDel, LBO, DGI