

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 22, 2023

TO: Honorable Abel Herrero, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4886 by Herrero (Relating to sexually violent predators and the prosecution of certain offenses involving prohibited items at correctional or civil commitment facilities; creating a criminal offense.),
As Introduced

The fiscal implications of the bill cannot be determined due to a lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

The bill would amend chapters of Penal Code to add certain offenses as a felony of the third degree.

The bill would amend chapters of the Code of Criminal Procedure to require the Department of Public Safety (DPS) to release information to the Texas Civil Commitment Office (TCCO).

The bill would add a chapter to Civil Practice and Remedies Code pertaining to actions in which an affidavit or unsworn declaration of inability to pay costs is filed by a civilly committed individual. The bill would allow for a court to order a civilly committed individual who has filed a claim to pay court fees, court costs, and other costs.

The bill would add a subchapter to Health and Safety Code Chapter 841 to allow for the administration of certain medication to certain sexually violent predators and for a physician's application for order to authorize psychoactive medication. The bill would allow for courts to order the payment of reasonable compensation to attorneys, physicians, language interpreters, sign interpreters, and associated judges. The bill would require the compensation paid to be assessed as court costs.

The bill would take effect September 1, 2023.

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

According to information provided by the Office of Court Administration, it is unknown to what extent the changes required by the bill would have a fiscal impact on the state court system.

It is assumed that the Health and Human Services Commission and DPS can absorb any costs associated with the bill using existing resources.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 529 Health and Human Services Commission

LBB Staff: JMc, DDeI, ER, SB