

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 23, 2023

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate

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

**IN RE: SB1900** by Birdwell (Relating to foreign terrorist organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization.), **As Passed 2nd House**

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 the number of additional cases that would qualify as an offense of engaging in organized criminal activity under the provisions of the bill.

The bill would expand the conduct constituting the offense of sedition and specify that a conspiracy to commit the offense is punishable in the same manner as the offense. The bill would expand the applicability of certain offenses relating to engaging in organized criminal activity to include a foreign terrorist organization, expand the conduct constituting the offense to include the unlawful possession with the intent to deliver a controlled substance or dangerous drug and operation of a stash house, specify that a conspiracy to commit the offense is punishable in the same manner as the offense, and increase the punishment for the offense under certain circumstances relating to the use or exhibition of a deadly weapon.

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 additional cases that would qualify as an offense of engaging in organized criminal activity under the provisions of the bill. Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the uniform cost per day for an adult incarcerated in a Texas Department of Criminal Justice systemwide facility was \$77.49.

The bill would define and specify foreign terrorist organizations that engage in certain activities as a public nuisance and make them and their members susceptible to the same court actions and lawsuits to which criminal street gangs are susceptible under current law. The bill would make real property owned by a member or participant of a foreign terrorist organization subject to asset forfeiture. The Office of Court Administration indicates that no significant fiscal impact to the state court system is anticipated.

The bill would add foreign terrorist organizations to the Office of the Attorney General's (OAG) gang resource system to provide criminal justice agencies and juvenile justice agencies with information. OAG indicates that there will be no significant fiscal impact to the agency.

#### Local Government Impact

While the fiscal impact to units of local government cannot be determined, expanding the conduct constituting and modifying 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, 405 Department of Public Safety

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