

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**April 17, 2023**

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

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

**IN RE: SB1969** by Bettencourt (Relating to increasing the criminal penalty for certain offenses committed on or near the premises of a day-care center, school, or postsecondary educational institution.), **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 identify the number of cases that would qualify for a penalty enhancement under the provisions of the bill.

The bill would make certain sexual offenses subject to penalty enhancement one category higher if the offense is committed on or near the premises of a day-care center, school, or postsecondary educational institution, or two categories higher if the actor has previously been convicted twice of such an offense.

According to the Office of Court Administration, the fiscal impact to the state court system is not expected to be significant. 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 that would qualify for a penalty enhancement under the provisions of the bill.

**Local Government Impact**

While the fiscal impact 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, ESch