

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 25, 2025

TO: Honorable John T. Smithee, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB324 by Johnson (Relating to the prosecution of the offense of sexual assault.), **As Introduced**

Expanding and clarifying the conduct constituting an existing offense may result in increased 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 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 clarify the meaning of consent and the required mental states of actor and victim for the offense of sexual assault. The bill would expand conduct constituting the offense to include certain cases when the actor impersonates a public servant, clergyman, employee of a certain facility type, coach, tutor, or caregiver; and to include when the actor is a real or impersonated mental health services or health care services provider who causes the other person by deception to submit or participate. The offense is punishable as a state jail felony, a second degree felony, or as first degree felony depending on the circumstances of the offense.

The Office of Court Administration and the Comptroller of Public Accounts indicate that the fiscal implications of the bill cannot be determined.

Local Government Impact

While the fiscal implications cannot be determined, expanding and clarifying the conduct constituting 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 subject to local confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

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