

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 3, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB20 by Flores (Relating to the creation of the criminal offense of possession or promotion of obscene visual material appearing to depict a child.), **As Introduced**

Creating a new criminal offense may result in additional demands upon state and 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. 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 create the state jail felony offense of possessing, accessing, or promoting obscene visual material containing a depiction of a child who appears to be younger than 18 years of age, regardless of whether the image is an actual child or created using artificial intelligence. The penalty would be increased to a third degree felony in the case of a previous conviction of the offense or certain obscenity offenses, and be increased to a second degree felony in the case of two or more certain previous convictions. The bill would also add the new offense to the list of offenses involved in engaging in organized criminal activity.

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

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

Local Government Impact

While the fiscal impact to units of local government cannot be determined, creating a new criminal 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, MGol, AMr