

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 9, 2025

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1362 by Hughes (Relating to prohibiting the recognition, service, and enforcement of extreme risk protective orders; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would prohibit the adoption or enforcement of a state or local regulation relating to an extreme risk protective order unless state law specifically authorizes the adoption and enforcement of such a regulation. The bill would declare certain federal laws related to the implementation or enforcement of an extreme risk protective order to be unenforceable and prohibit state and local entities from accepting federal grant funds for the implementation, service, or enforcement of such laws. The bill would create a state jail felony offense for a person serving or enforcing, or attempting to serve or enforce, an extreme risk protective order against a person in this state, unless the order is issued under state law.

Art. 7C.004 of the bill prohibits the State of Texas from accepting any federal grants intended for the implementation of Extreme Risk Protective Orders (ERPOs).

The Comptroller of Public Accounts indicates that the amount of federal grants made available by the federal government which could not be received by state entities is unknown.

According to the Office of the Governor (OOG), in fiscal year 2024 Texas was awarded \$26.8 million in federal funding through the Edward Byrne Justice Assistance Grant Program and the Byrne State Crisis Intervention Program, money from either of which may be, but is not currently required to be, used for purposes relating to ERPOs. The OOG currently uses these funds for a wide array of criminal justice related purposes. Under the bill's provisions, a future implementation of a requirement to use these funds for purposes relating to ERPOs would result in a loss of the funding.

The Office of Court Administration, the Department of Public Safety, the Department of Licensing and Regulation, the Texas Medical Board, the Health and Human Services Commission, the Commission on Environmental Quality, the Department of Transportation, the Department of Criminal Justice, the Texas A&M University System Administration, and the UT System Administration indicate that no significant fiscal impact is anticipated.

It is assumed that any impact resulting from the new offense on state correctional populations or on the demand for state correctional resources would not be significant.

Local Government Impact

While it is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant, it would be dependent on the number of offenses committed and the associated court costs. The Comptroller of Public Accounts indicates that the amount of federal grants made available by the federal government which could not be received by local entities is unknown.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 529 Health and Human Services Commission, 582 Commission on Environmental Quality, 601 Department of Transportation, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

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