

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 29, 2025

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1610 by Perry (Relating to sexually violent predators, to the Texas Civil Commitment Office, and to the prosecution of the offense of harassment by sexually violent predators and other persons confined in certain facilities; amending certain sex offender registration requirements; increasing criminal penalties.), **As Passed 2nd House**

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 confined and in the length of stay for individuals 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 in which a person committed an offense while civilly committed.

Amongst other offense-related provisions, the bill would increase the penalty for certain offenses if committed while the actor is civilly committed to the Texas Civil Commitment Office (TCCO) and determine the sentence as life in prison, or a sentence of not more than 99 years or less than 25 years, for a conviction of any felony offense other than a state jail felony.

Amongst other agency-related provisions, the bill would require the Health and Human Services Commission (HHSC) to pay certain costs associated with duties or services provided in assessing an individual's readiness for treatment.

The bill would require the attorney general to defend a person providing a service who is immune from liability and in certain circumstances would require the recovery of court costs and attorney fees.

The bill would entitle TCCO to obtain criminal history record information relating to a person who is civilly committed or was previously civilly committed from the Department of Public Safety (DPS).

According to the Special Prosecutors Unit, the fiscal implications of the bill cannot be determined due to an unknown number of cases resulting from the new chargeable offense provided by Section 26 of the bill.

The Office of Court Administration, Office of the Attorney General, HHSC, and DPS do not anticipate a significant fiscal impact.

Though the fiscal impact of the bill cannot be determined, removing individuals from civil commitment to TCCO and sentencing them to a life sentence or a sentence of more than 25 years but less than 99 years, within the Texas Department of Criminal Justice (TDCJ) would result in cost savings to TCCO which would be partially offset by increased costs to TDCJ. The fiscal year 2025 per diem rate for those civilly committed to TCCO is \$117.53. Based on the January 2025 Biennial Report on Adult Criminal Justice Populations Fiscal Years 2018 to 2030, the fiscal year 2024 average daily cost for those incarcerated at TDCJ was \$86.50.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

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, 529 Health and Human Services Commission, 696 Department of Criminal Justice

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