

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 31, 2025

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2320 by King (Relating to increasing the criminal punishment for certain driving while intoxicated offenses.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2320, As Introduced: a negative impact of (\$12,684,504) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2026	(\$928,653)
2027	(\$11,755,851)
2028	(\$34,928,467)
2029	(\$59,385,314)
2030	(\$59,772,941)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2026	(\$928,653)
2027	(\$11,755,851)
2028	(\$34,928,467)
2029	(\$59,385,314)
2030	(\$59,772,941)

Fiscal Analysis

The bill would increase the penalty for the offense of driving while intoxicated from a Class B misdemeanor to a Class A misdemeanor regardless of whether, at the time of offense, the person operating the motor vehicle immediately possessed an open container of alcohol, and would increase the penalty from a Class A misdemeanor to a state jail felony in cases where certain analysis revealed an alcohol concentration level of 0.15 or more. The bill would increase the punishment for the offense of driving while intoxicated for persons previously convicted one time of driving, boating, or flying while intoxicated, or of assembling or operating an amusement ride while intoxicated, from a Class A misdemeanor to a state jail felony.

Methodology

Of individuals sentenced in fiscal year 2024 for intoxication and alcoholic beverage state jail felony offenses, approximately 25 percent were admitted into state jail or prison, with the remaining 75 percent receiving placement onto felony community supervision. Among individuals receiving placement onto felony community supervision, approximately 4 percent were admitted into a Substance Abuse Felony Punishment (SAFP) facility as a condition of community supervision. These proportions inform the allocation in this analysis of individuals who, under the bill's provisions, would be sentenced at the state jail felony level rather than as Class A misdemeanants.

The fiscal impact is primarily a result of the increased admission of individuals into state jail, prison, and SAFP facilities. Based on the January 2025 Biennial Report on Adult Criminal Justice Populations, the uniform costs per day for adults admitted to state jail, prison, or a SAFP facility were \$77.68, \$86.50, and \$85.04, respectively. The estimated impact on adult correctional populations would follow population trends observed in fiscal year 2024, including placements on supervision, admissions to prison, average time between offense and admission, and average length of supervision or stay.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, it is assumed that increased penalties will result in greater demands on local correctional resources and facilities due to courts placing defendants on longer terms of community supervision.

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

LBB Staff: JMc, MGol, AMr, DGI