



LEGISLATIVE BUDGET BOARD

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MEMORANDUM

TO: Lt. Governor David Dewhurst Speaker Joe Straus
Senator Steve Ogden Representative Jim Pitts
Senator John Whitmire Representative Joe Moody
Senator Rodney Ellis

FROM: Michele Connolly, LBB Manager
Criminal Justice Data Analysis Team

DATE: December 1, 2010

SUBJECT: HB 2086 Annual Criminal Justice Policy Impact Statement

House Bill 2086, Eighty-first Legislature, Regular Session, 2009, directed the Legislative Budget Board to prepare an annual criminal justice policy impact statement related to the bill's provisions. The bill amended statute in various areas of criminal justice, but the requirements of the annual criminal justice policy impact statement primarily relate to changes in the Penal Code.

The bill expands the offenses which may be considered as Engaging in Organized Criminal Activity and enhances penalties for the offense of Criminal Solicitation of a Minor in certain instances. The bill also creates and defines the offense of Directing Activities of Certain Criminal Street Gangs. In addition to these Penal Code amendments, the bill allows certain civil actions to be taken against criminal street gangs.

Based on fiscal year 2010 arrest and disposition data from the Department of Public Safety (DPS), the various requirements of the annual criminal justice impact statement contained in the bill cannot be determined. DPS data does not provide the level of detail necessary to analyze the bill's amendments to certain Penal Code statutes. Also, the detail needed to separate the bill's specific amendments from broader offense categories is not available which prevents analysis of the race and ethnicity of persons affected by this bill. In addition, there were no arrests or prosecutions in fiscal year 2010 for the new offense created by the bill (Directing Activities of Certain Criminal Street Gangs). Data regarding civil action damages and asset forfeiture or seizure are not available to the LBB.

Though data limitations prevent a complete assessment as required by the bill for the annual criminal justice policy impact statement, no significant fiscal impact or significant impact to existing correctional facilities is anticipated based on the information available.

If you have any comments or questions about this annual criminal justice impact statement, or would like more information, please contact me at (512) 475-2489.