



## LEGISLATIVE BUDGET BOARD

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### MEMORANDUM

**TO:** Lt. Governor David Dewhurst      Speaker Joe Straus  
Senator Tommy Williams                  Representative Jim Pitts  
Senator John Whitmire                      Representative Jerry Madden  
Senator Rodney Ellis

**FROM:** Ed Sinclair, Analyst  
Michele Connolly, Manager  
Criminal Justice Data Analysis Team

**DATE:** December 10, 2012

**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 2012 arrest and disposition data provided by the Texas Department of Criminal Justice and the Department of Public Safety, the probable impact on criminal justice populations as a result of implementing the bill cannot be determined due to the unavailability of reliable data or information providing 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 fiscal year 2012, approximately 1,778 individuals were arrested for escape, permitting or facilitating escape, introducing or providing implements for escape, and prohibited substances and items in correctional facility (72.0% of White race and 27.3% of Black race; 33.0% of Hispanic ethnicity). Of those arrested in fiscal year 2012, approximately 48 were admitted to prison (62.5% of White race and 37.5% of Black race; 16.7% of Hispanic ethnicity) and less than five were admitted to state jail. It is unknown whether anyone engaging in organized criminal activity would appear to have committed the offense of escape, permitting or facilitating escape, implements for escape, or prohibited substances and items in correctional facility attributable to the aforementioned arrests, convictions, and incarcerations. In fiscal year 2012, less than five individuals were arrested, and less than five were admitted to prison for directing activities of certain criminal street gangs, as defined by the bill. Data regarding civil action damages and asset forfeiture or seizure are not available to the LBB.

Although 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 on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated based on the information available.

Please contact our office if you have any comments or questions concerning this annual criminal justice policy impact statement, or would like more information.