

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1129 by Macias (Relating to the prosecution and punishment of the offense of criminal trespass.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend subsections of Section 30.05 of the Penal Code.

The bill would create as a Class C misdemeanor the offense of trespassing on residential land, defined as real property improved by a dwelling and zoned for or otherwise authorized for single-family or multifamily use. The offense would be a Class A misdemeanor if the offense is committed in a building or habitation or if the person committing the offense carries a deadly weapon during the commission of the offense.

The bill would change from a Class B to a Class C misdemeanor the offense of trespassing on or in property, including an aircraft or other vehicle, except it would remain a Class B misdemeanor if it is shown at trial that the defendant had been previously convicted of an offense under Section 30.05.

The proposed changes in statute would apply only to an offense committed on or after the effective date of the bill. The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

A Class C misdemeanor is punishable by a fine not to exceed \$500; a Class B misdemeanor is punishable by a fine not to exceed \$2,000 and/or not more than 180 days confinement in jail; and a Class A misdemeanor is punishable by a fine not to exceed \$4,000 and/or not more than one year in jail. A portion of court costs for a Class A or Class B misdemeanor are submitted to the state. The fiscal impact to the state would depend on how many Class A and Class B misdemeanor cases occur each year. The fiscal impact to local government would depend on the number of cases of each offense level and the discretion of the court in imposing a fine and jail time.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, DB