

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 19, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB866** by Moody (Relating to lethal violence protective orders; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend sections of the Texas Code of Criminal Procedure to allow certain individuals to apply for a Lethal Violence Protective Order and require certain procedures for law enforcement agencies that take possession of a firearm pursuant to a Lethal Violence Protective Order. The bill would also create new criminal offenses for a false report regarding request for Lethal Violence Protective Order and for owning or possessing a firearm prior to expiration of the order. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

According to the Texas Association of Counties, there will be some costs to counties; however, they are not anticipated to be significant.

According to the San Antonio Police Department, there will be costs to the storage of weapons taken in by respondents in Lethal Protective Orders. In addition to the storage costs per weapon per year, there will have to be modifications to SAPD's property entry system, training of officers regarding changes to the system, and administrative costs to send notices and track down the respondent when the order expires.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405

Department of Public Safety

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