



LEGISLATIVE BUDGET BOARD

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MEMORANDUM

TO: Lt. Governor Dan Patrick
Senator Joan Huffman
Senator John Whitmire
Speaker Dade Phelan
Representative Greg Bonnen
Representative Abel Herrero
Representative Joe Moody

FROM: Jerry McGinty, Director

DATE: December 1, 2023

SUBJECT: House Bill 2086 Annual Criminal Justice Policy Impact Statement

House Bill 2086, Eighty-first Legislature, Regular Session, 2009, directed the Legislative Budget Board (LBB) to prepare an annual criminal justice policy impact statement related to the bill's provisions. LBB staff has produced this report annually since 2010. The requirements of this annual criminal justice policy impact statement primarily relate to changes in the Penal Code. The bill expanded the offenses which may be considered as Engaging in Organized Criminal Activity and enhanced the penalty for certain organized criminal activity committed in or around a gang-free zone. The bill enhanced penalties for the offense of Criminal Solicitation of a Minor in certain instances. The bill also created the offense of Directing Activities of Certain Criminal Street Gangs. In addition to these Penal Code amendments, the bill allowed certain civil actions to be taken against criminal street gangs.

At the time of this report, fiscal year 2023 arrest data from the Department of Public Safety was not available.

Based on fiscal year 2023 incarceration data provided by the Texas Department of Criminal Justice (TDCJ), the probable impact on criminal justice populations as a result of implementing the bill cannot be determined because the data or information providing the level of detail necessary to analyze the bill's amendments to certain Penal Code statutes are not available at the statewide level. This detail includes whether an offense was committed while engaging in organized criminal activity and the location of the offenses (e.g., within 1,000 feet of a playground, shopping mall, etc.).

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In fiscal year 2023, 638 individuals were admitted to prison (34.0% White; 32.8% Black; 32.9% Hispanic; 0.3% Other) and 39 were admitted to state jail (33.3% White; 41.0% Black; 25.6% Hispanic) for escape, permitting or facilitating escape, providing implements for escape, prohibited substances and items in a correctional facility, or engaging in organized criminal activity. Based on available data, it is unknown whether any incarcerations for these offenses included individuals engaging in organized criminal activity, or for those incarcerated specifically for the offense of engaging in organized criminal activity, whether the conduct constituting the offense matches the specific conduct added by the bill.

In fiscal year 2023, no individuals were admitted to TDCJ for the offense of directing activities of certain criminal street gangs as defined by the provisions of the bill. Although data limitations prevent a complete assessment as required by the bill for the annual criminal justice policy impact statement, based on the information available, no significant fiscal impact or significant impact on the programs, workload, or on the demand for resources and services of state corrections agencies is anticipated.

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

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