



LEGISLATIVE BUDGET BOARD

Robert E. Johnson Bldg.
1501 N. Congress Ave. - 5th Floor
Austin, TX 78701

512/463-1200
Fax: 512/475-2902
<http://www.lbb.texas.gov>

MEMORANDUM

TO: Lt. Governor Dan Patrick
Senator Joan Huffman
Senator John Whitmire
Speaker Dade Phelan
Representative Greg Bonnen
Representative Andrew Murr
Representative Nicole Collier

FROM: Jerry McGinty, Director

DATE: November 30, 2022

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.

Based on fiscal year 2022 arrest and incarceration data provided by the Department of Public Safety and 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.).

In fiscal year 2022, 5,809 individuals were arrested for escape, permitting or facilitating escape, providing implements for escape, prohibited substances and items in a correctional facility, or engaging in organized criminal activity (32.3% White; 28.4% Black; 38.2% Hispanic; 1.2% Other). Of those received into state correctional institutions in fiscal year 2022, 547 individuals

