




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 Pete Flores
Speaker Dade Phelan
Representative Greg Bonnen
Representative Abel Herrero
Representative Joe Moody

FROM: Jerry McGinty, Director 

DATE: December 1, 2024

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 2024 arrest and incarceration data provided by DPS 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 2024, 7,029 individuals were arrested for escape, permitting or facilitating escape, providing implements for escape, prohibited substances and items in a correctional facility, engaging in organized criminal activity, or criminal solicitation of a minor (37.5% Hispanic;

December 1, 2024

Page 2

31.5% Black; 29.6% White; 1.4% Other). Of those received into state correctional institutions in fiscal year 2024, 563 individuals were admitted to prison (38.7% White; 33.6% Black; 27.7% Hispanic) and 36 were admitted to state jail (52.8% White; 38.9% Black; 8.3% Hispanic) 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 2024, seven individuals were arrested and none were admitted to TDCJ for the offense of directing activities of certain criminal street gangs as defined by the provisions of the bill. 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.

Since the first publication of the *HB 2086 Annual Criminal Justice Policy Impact Statement* in 2010, the data limitations which prevent a complete assessment as required by the bill have been consistent and are expected to persist. As it is assumed that during this fifteen-year period, TDCJ has successfully accommodated any fiscal and population impacts resulting from the bill's changes to the Penal Code, this will be the final update of the memorandum.

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

cc: Mike Morrissey	Andrew Blifford
Joaquin Guadarrama	Sallie Bentley
Stacey Gilliam	Cameron Cocke
Sean Opperman	John Montgomery
Amy Stratmann	Mo Jenkins
Harold Stone	Rachel Wetsel
Mike Ward	Aaron Henriksen
Nora Velasco	Andrew Marshall
Julie Lindsey	Cory Sharp
Gina Sweetin	James Lavin
Central Files	David Gillian
Bryan Collier	
Steve McCraw	