

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 21, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB35 by Eissler (Relating to the offenses of burglary of vehicles, theft, and tampering with identification numbers.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB35, As Introduced: a negative impact of (\$9,291,831) through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$1,440,665)
2007	(\$7,851,166)
2008	(\$9,644,644)
2009	(\$10,029,100)
2010	(\$10,478,726)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$1,440,665)
2007	(\$7,851,166)
2008	(\$9,644,644)
2009	(\$10,029,100)
2010	(\$10,478,726)

Fiscal Analysis

The bill would amend the Penal Code by enhancing the punishment for theft offenses involving the burglary of vehicles, theft of vehicles, and tampering with identification numbers. The offense of burglary of a vehicle would be enhanced from a Class A misdemeanor to a state jail felony. The theft of a motor vehicle would be punishable as a third degree felony unless the defendant has previously been convicted two or more times, in which case the offense would be punishable as a second degree felony. The bill would also enhance the punishment for the offense of tampering with identification numbers from a Class A misdemeanor to a state jail felony. The change in law made by this Act would apply only to an offense committed on or after September 1, 2005.

Methodology

For fiscal year 2004, it is estimated that there were 1,076 misdemeanor probation placements for the offense of burglary of a vehicle and 18 misdemeanor probation placements for the offense of tampering with identification numbers. Based on direct court sentencing trends, it is assumed that 565 of the 1,094 placements would be sentenced directly to a term of incarceration in a state jail facility. It is also assumed that the remaining 529 placements would be placed under felony probation supervision. Offenders placed on felony probation would have a revocation rate of 26% after 3 years of supervision.

In order to estimate the future impact of the proposal, the changes proposed for admission and release policy are applied in a simulation model, to (1) state jail admissions that reflect the distribution of offenses, sentence lengths, and time served, and (2) the increase in the number of people on community supervision. Included in the estimated costs are projected community supervision operating costs.

Costs of incarceration by the Texas Department of Criminal Justice are estimated on the basis of \$33.78 per state jail inmate per day for state jail facilities, reflecting approximate costs of either operating facilities or contracting with other entities. No costs are included for state jail construction. Options available to address the increased demand for state jail capacity that would result from implementation of this bill include construction of new facilities and contracting with counties or private entities.

Costs to implement the provision of the bill that provides for the enhancement of the penalty for the offense of theft of a motor vehicle are not included in this analysis and would depend on the number of offenders whose offense would be enhanced from the current punishment range to the higher range prescribed in the bill. According to the Texas Department of Public Safety, the estimated number of motor vehicle thefts committed in Texas in 2003 was 98,174.

Local Government Impact

Increasing the penalty for offenses from a Class A misdemeanor to a felony level represents a shift in responsibility from local government to the State in dealing with incarceration expenses. The shift would represent a significant increase in demands upon the correctional resources of the State; however, the positive impact to local government would be spread proportionately (based on the frequency of convictions).

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: JOB, BT, WP, VDS, GG, KJG