

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 17, 2005

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

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

IN RE: HB163 by Berman (Relating to the punishment for the offenses of forgery, credit or debit card abuse, and fraudulent use or possession of identifying information.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB163, As Introduced: a negative impact of (\$2,390,422) 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	(\$374,804)
2007	(\$2,015,618)
2008	(\$3,679,748)
2009	(\$5,185,934)
2010	(\$6,599,707)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$374,804)
2007	(\$2,015,618)
2008	(\$3,679,748)
2009	(\$5,185,934)
2010	(\$6,599,707)

Fiscal Analysis

The bill would amend the Penal Code by enhancing the punishment for the offenses of forgery, credit or debit card abuse, and fraudulent use or possession of identifying information to the next higher category of offense for individuals who are shown on the trial of the offense to be repeat offenders. The change in law made by this Act applies only to an offense committed on or after September 1, 2005.

Methodology

For fiscal year 2004, according to TDCJ admission data, there were 340 admissions to prison for the offense of forgery punishable as a felony of the third degree. Based on historical sentencing data, it is assumed that 120 (35 percent) have prior convictions and, according to the bill, would have their

punishment increased to a felony of the second degree. Also, according to TDCJ admission data from fiscal year 2004, there were 843 admissions to state jails for the offense of credit or debit card abuse and for the offense of fraudulent use or possession of identifying information. Based on sentencing data it is assumed that 298 (35 percent) have prior convictions and would have their punishment increased to the next highest category.

In order to estimate the future impact of the proposal, the changes proposed in the bill are applied in a simulation model using the estimated number of felony admissions identified in the bill, reflecting the distribution of offenses, sentence lengths, and time served for those offenders. Included in the estimated costs are projected parole supervision operating costs.

Costs of incarceration by TDCJ are estimated on the basis of \$40 per inmate per day, reflecting approximate costs of either operating facilities or contracting with other entities. No costs are included for prison construction. Options available to address the increased demand for prison capacity that would result from implementation of this bill include construction of new facilities and contracting with counties or private entities for additional capacity.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

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