

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 30, 2005

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

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

IN RE: HB713 by Quintanilla (Relating to the punishment for forgery committed against an elderly person.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB713, As Introduced: a negative impact of (\$547,240) 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	(\$72,025)
2007	(\$475,215)
2008	(\$705,001)
2009	(\$864,936)
2010	(\$1,019,511)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$72,025)
2007	(\$475,215)
2008	(\$705,001)
2009	(\$864,936)
2010	(\$1,019,511)

Fiscal Analysis

The bill would amend the Penal Code by enhancing certain forgery offenses if the offense was committed against an elderly individual. The bill would enhance the punishment for misdemeanor level offenses to a state jail felony, and third degree felony offenses to a felony of the second degree. The bill would not affect forgery offenses that are currently punishable as a state jail felony. The bill would take effect September 1, 2005.

Methodology

For fiscal year 2004, there were 139 third degree felony admissions to TDCJ and 118 misdemeanor probation placements for the offense of forgery. Based on fraud victimization studies, it is assumed that 78 of the felony offenders and 41 of the misdemeanor offenders would have committed an offense

against an elderly individual and would have their sentences increased by one punishment 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 and misdemeanor probation placements 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 the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day for prison, and \$33.78 per day for state jail facilities, 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: 212 Office of Court Administration, Texas Judicial Council

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