

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 27, 2005

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

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

IN RE: HB717 by Quintanilla (Relating to the punishment for fraudulent use or possession of an elderly person's identifying information.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB717, As Introduced: a negative impact of (\$1,301,086) 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	(\$221,255)
2007	(\$1,079,831)
2008	(\$1,928,112)
2009	(\$2,688,424)
2010	(\$3,391,328)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$221,255)
2007	(\$1,079,831)
2008	(\$1,928,112)
2009	(\$2,688,424)
2010	(\$3,391,328)

Fiscal Analysis

The bill would amend the Penal Code by enhancing the punishment for the offense of fraudulent use or possession of identifying information from a state jail felony to a felony of the third degree if it is shown on the trial of the offense that in committing the offense the defendant obtained, possessed, transferred, or used the identifying information of an elderly individual. The bill would take effect September 1, 2005.

Methodology

For fiscal year 2004, there were 186 state jail felony admissions to TDCJ and 234 community supervision placements for the offense of fraudulent use or possession of identifying information. Based on fraud victimization studies, it is assumed that 104 of the state jail admissions and that 130 of

the community supervision placements would have committed an offense against an elderly individual and would have their sentences increased to a felony of the third degree. This analysis assumes that many of the offenders identified by the bill that were formerly placed on community supervision would continue to be placed on community supervision even with their punishment enhanced by the bill. This assumption is based on an analysis of sentencing patterns for persons convicted of offenses punishable as a felony of the third degree. The shift from community supervision as a state jail felon to community supervision as a third degree felon would likely increase the community supervision population; however, the increase is thought to be slight and is not reflected in the cost of implementing the bill.

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 prison admissions and 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, reflecting the 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 the 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, GG