

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 25, 2005

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

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

IN RE: HB1032 by Giddings (Relating to the prosecution of the offense of fraudulent use or possession of identifying information and to assistance to victims of that offense.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1032, As Introduced: an impact of \$0 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	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>CRIME VICTIMS COMP ACCT</i> 469
2006	(\$2,120,823)
2007	(\$1,861,760)
2008	(\$1,905,140)
2009	(\$1,941,143)
2010	(\$2,023,023)

Fiscal Year	Change in Number of State Employees from FY 2005
2006	36.0
2007	36.0
2008	37.0
2009	38.0
2010	40.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to require a court to order a defendant convicted of an offense under Section 32.51 of the Penal Code (Fraudulent Use or Possession of Identifying Information) to make restitution equal to the sum of the victim's lost income and expenses.

The bill would also amend the Code of Criminal Procedure to require the Office of the Attorney General (OAG) to establish a program that (1) assists the victim of the above-named offense in obtaining information necessary to correct inaccuracies or errors in the victim's credit history or report; and (2) notifies law enforcement agencies that the victim has been granted or is entitled to an expunction, and that the records of the agency may contain information that is incorrect as a result of the offense against the victim. The OAG would be required to implement the victim assistance program as soon as is practicable, but not later than September 1, 2006.

The OAG would also be required to consult and coordinate with the Department of Public Safety (DPS). The bill would require DPS to begin issuing identity theft passports by January 1, 2006.

The bill would take effect on September 1, 2005.

Methodology

The OAG estimates that there would be approximately 46,000 identity theft victims in Texas in fiscal year 2006, growing to approximately 80,000 victims by fiscal year 2010. The office expects that approximately 80 percent of such victims would apply to their office for assistance. They estimate six additional employees would be necessary for larger regional offices and four for smaller regional offices, with additional employees necessary in Austin to handle administrative functions. The above table primarily reflects those costs associated with the additional FTEs.

DPS indicates that there would be no fiscal impact to create identity theft passports.

Technology

Marginal costs for network stations and printers, primarily purchased in the first fiscal year, are included in the above cost estimates.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JOB, WP, KJG