

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: HB2213 by Quintanilla (Relating to the punishment for certain crimes of fraud committed against elderly persons.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2213, As Introduced: a negative impact of (\$14,228,134) 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	(\$1,844,833)
2007	(\$12,383,301)
2008	(\$22,485,033)
2009	(\$31,259,589)
2010	(\$39,201,253)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2006	(\$1,844,833)
2007	(\$12,383,301)
2008	(\$22,485,033)
2009	(\$31,259,589)
2010	(\$39,201,253)

Fiscal Analysis

The bill would amend the Penal Code by allowing for the enhancement of punishment for offenders convicted of fraud crimes committed against elderly persons. Offenses punishable as misdemeanors would be increased to the punishment for a state jail felony and offenses punishable as a felony, other than a felony of the first degree, would be increased to the next higher category of offense. The bill would take effect September 1, 2005.

Methodology

An elderly individual is defined as a person 65 years of age or older. For fiscal year 2004, there were 3,532 state jail admissions to the Texas Department of Criminal Justice (TDCJ) and 498 misdemeanor probation placements for the offenses identified by the bill. Based on fraud victimization studies, it is

assumed that 1,978 of the state jail admissions and 279 of the misdemeanor offenders would have committed offenses against elderly individuals 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 TDCJ 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 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:

LBB Staff: JOB, KJG, VDS, GG