

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 3, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: SB1182 by West, Royce (Relating to the fraudulent use or possession of a person's identifying information and to certain fictitious documents.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1182, As Introduced: a negative impact of (\$821,720) 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	(\$139,737)
2007	(\$681,983)
2008	(\$1,217,728)
2009	(\$1,697,915)
2010	(\$2,141,844)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$139,737)
2007	(\$681,983)
2008	(\$1,217,728)
2009	(\$1,697,915)
2010	(\$2,141,844)

Fiscal Analysis

The bill would amend the Penal Code by enhancing the punishment for the offense of fraudulent use or possession of a person's 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 the defendant has been previously convicted of an offense under this section. The bill would also expand the conditions for which the offense of fraudulent use or possession of a person's identifying information would apply. The bill would take effect September 1, 2005.

Methodology

In fiscal year 2004 there were 234 state jail community supervision placements and 186 state jail admissions for the offense of fraudulent use or possession of a person's identifying information. The

number of these cases that were repeat violators is unknown; however, sentencing studies indicate that 35 percent of similar offenders are repeat violators. For the purposes of this analysis it is assumed that 35 percent of the 186 state jail admissions to TDCJ and 19 percent of the 234 state jail community supervision placements for the offenses identified by the bill would serve additional time incarcerated as third degree felons because their offenses were repeat violations. 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 due to longer sentence lengths; 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