

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 5, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB303** by Farrar (Relating to the punishment for the offense of burglary of a vehicle.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB303, As Introduced: a negative impact of (\$6,342,367) through the biennium ending August 31, 2009.
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**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	(\$982,647)
2009	(\$5,359,720)
2010	(\$6,636,411)
2011	(\$6,956,088)
2012	(\$7,321,345)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from GENERAL REVENUE FUND 1</b>
2008	(\$982,647)
2009	(\$5,359,720)
2010	(\$6,636,411)
2011	(\$6,956,088)
2012	(\$7,321,345)

**Fiscal Analysis**

The bill would amend the Penal Code by enhancing the punishment for the offense of burglary of a vehicle from a Class A misdemeanor to a state jail felony for individuals previously convicted of a burglary of a vehicle offense. The change in law made by this Act applies only to an offense committed on or after September 1, 2007.

**Methodology**

For fiscal year 2006, it is estimated that there were 1,617 individuals placed on misdemeanor community supervision for the offense of burglary of a vehicle. It is assumed that 744 of these offenders have previously been convicted of a burglary of vehicle offense. Based on direct court sentencing trends, it is assumed that 352 of the 744 individuals would be sentenced directly to a term of incarceration in a state jail facility. It is also assumed that the remaining 392 individuals would be placed under felony probation supervision. Offenders placed on felony probation would have a

revocation rate of 26% after 3 years of supervision.

In order to estimate the future impact of the proposal, the changes proposed for admission and release policy are applied in a simulation model, to (1) state jail admissions that reflect the distribution of offenses, sentence lengths, and time served, and (2) the increase in the number of people on community supervision. Included in the estimated costs are projected community supervision operating costs.

Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$36.53 per state jail inmate per day for state jail facilities, reflecting approximate costs of either operating facilities or contracting with other entities. No costs are included for state jail construction. Options available to address the increased demand for state jail capacity that would result from implementation of this bill include construction of new facilities and contracting with counties or private entities. Costs of community supervision are estimated on the basis of \$2.55 per day.

### **Local Government Impact**

Increasing the penalty for the offense of burglary of a motor vehicle from a Class A misdemeanor to a state jail felony for repeat offenders represents a shift in responsibility from local government to the State in dealing with incarceration expenses. The shift would represent a significant increase in demands upon the correctional resources of the State; however, the positive impact to local government would be spread proportionately (based on the frequency of convictions).

**Source Agencies:** 696 Department of Criminal Justice, 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

**LBB Staff:** JOB, ES, KJG, VDS, GG