

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

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

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

IN RE: HB460 by Miller (Relating to the offense of fraudulent use or possession of a person's identifying information.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code by further defining the conditions that define the offense of fraudulent use or possession of identifying information to include, with the intent to harm or defraud another, obtains an item of identifying information of a deceased natural person, including a stillborn infant or fetus without legal authorization. The offense, which is currently punishable as a state jail felony, would be punishable as a state jail felony, third degree felony, second degree felony, or first degree felony, depending on the number of items obtained, possessed, transferred or used in the offense.

In fiscal year 2006, there were 260 admissions to state jail for the offense of fraudulent use or possession of identifying information. The number of these 260 admissions that committed their offense with identifying information from a deceased person, including a stillborn infant or fetus is unknown. The number of items used in the offense is also unknown. Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or, longer terms of confinement in county jails or prison. In the case of this bill, it is assumed that the bill would not significantly affect the operations of state or local government.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG