

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 26, 2007

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

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

IN RE: HB941 by Cook, Byron (Relating to the penalty for the fraudulent use or possession of identifying information.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB941, As Introduced: a negative impact of (\$1,571,470) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$194,676)
2009	(\$1,376,794)
2010	(\$2,667,457)
2011	(\$3,822,100)
2012	(\$4,862,796)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1
2008	(\$194,676)
2009	(\$1,376,794)
2010	(\$2,667,457)
2011	(\$3,822,100)
2012	(\$4,862,796)

Fiscal Analysis

The bill would amend the Penal Code by enhancing the punishment for the offense of fraudulent use or possession of identifying information from a state jail felony to a felony of the third degree. The change in law made by this bill would apply to an offense committed on or after September 1, 2007.

Methodology

For fiscal year 2006, the Texas Department of Criminal Justice (TDCJ) received 260 state jail admissions for the offense of fraudulent use or possession of identifying information. 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) prison admissions that reflect the distribution of offenses, sentence lengths, and time served, and (2) the decrease in the number of state jail admissions, due to the enhancement by the bill. Included in the estimated costs are increased parole supervision costs associated with individuals who will be released from prison to parole supervision.

Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day for prison, 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. Costs of parole supervision at \$3.51 per day for parole supervision of offenders who will complete the remainder of their term on parole supervision are also included.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, JRO, GG