

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 20, 2007

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

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

IN RE: HB1611 by Madden (Relating to the punishment for the offense of forgery of a writing that is or purports to be a check.), **Committee Report 1st House, Substituted**

The probable impact of implementing the provision of this bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in forgery and the number of times the item forged was a check or the face value of the forged check.

The bill would amend the Penal Code as it relates to forgery of a writing that is or purports to be a check by decreasing or increasing punishment, ranging from a Class C misdemeanor to a felony of the first degree, depending upon the face value of the forged check, and the number of previous convictions for the offense. Forgery of a writing that is or purports to be a check is punishable as a state jail felony.

The bill would take effect on September 1, 2007 and apply to offenses committed on or after that date.

Decreasing the penalty for any criminal offense is expected to result in decreased demands upon the correctional resources of counties or of the State due to shorter terms of probation, or, shorter terms of confinement in county jails or prison. 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. A check of Texas Department of Criminal Justice records, Department of Public Safety records, Office of Court Administration records, and Jail Standards Commission records did not reveal any information that would help in an accurate assumption regarding forgery and the number of times the item forged was a check or the face value of the forged check; therefore, the probable impact of implementing the bill cannot be determined.

Local Government Impact

The probable impact to local government of implementing the provision of this bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in forgery and the number of times the item forged was a check or the face value of the forged check. When an offense is changed from a felony to a misdemeanor, there is a transfer of the burden of confinement and/or supervision of convicted offenders from the State to the counties. Given that forgery of a writing that is or purports to be a check is punishable as a state jail felony and that the provision of this bill may, in certain circumstances, decrease the penalty for forgery of a check to a misdemeanor offense, it is possible local government will experience an impact.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG, TM