

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 27, 2007

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

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

IN RE: HB1823 by Zerwas (Relating to the prosecution and punishment of the offense of fraudulent use or possession of identifying information.), **As Introduced**

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 fraudulent use or possession of identifying information and the number of items obtained, possessed, transferred, or used.

The bill would amend the Penal Code to increase the punishment for fraudulent use or possession of identifying information from a state jail felony to: a felony of the third degree if the number of identifying items obtained, possessed, transferred, or used is at least five but less than ten; a felony of the second degree if the number of identifying items obtained, possessed, transferred, or used is at least ten but less than 50; and a felony of the first degree if the number of identifying items obtained, possessed, transferred, or used is 50 or more.

The bill would amend the Penal Code to allow an offense punishable as fraudulent use or possession of identifying information and also punishable under another law to be prosecuted under both laws.

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

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 fiscal year 2006, 260 offenders were admitted to state jail and 237 offenders were released from state jail for fraudulent use or possession of identifying information. In fiscal year 2005, 533 offenders were placed on felony community supervision for state jail felony fraudulent use or possession of identifying information. 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 the number of identifying items obtained, possessed, transferred, or used; therefore, the probable impact of implementing the bill cannot be determined.

Local Government Impact

The fiscal implication to units of local government cannot be determined.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG, LM, TM