

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 13, 2007

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

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

IN RE: HB2950 by Mallory Caraway (Relating to the punishment of the offense of burglary committed by entering a building with intent to commit a theft involving an automated teller machine or safe.), **Committee Report 1st House, Substituted**

The probable impact of implementing the provision of the bill cannot be determined due to the unavailability of reliable data or information related to the circumstances involved in the entry of buildings in order to commit a theft involving an automated teller machine or a safe.

The bill would amend the Penal Code by making the offense of burglary punishable as a felony of the third degree if the actor, with intent to commit a theft involving an automated teller machine or a safe, uses an object or the actor's body to damage a wall, door, or window and gain entry into a building other than a habitation.

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

For fiscal year 2006, there were 1,679 intakes to state jail for the offense of burglary. The additional impact to criminal justice populations from the bill would vary greatly depending on the number of enhanced sentences resulting from the provisions of the bill. 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 manner in which an individual gained entry into a building to commit theft involving an automated teller machine or a safe; therefore, the probable impact of implementing the bill cannot be determined.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

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