

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: HB2950 by Mallory Caraway (Relating to the punishment of certain offenses committed by using a vehicle to enter a building or other structure.), **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 the use of a vehicle in the commission of arson, criminal mischief, other property damage or destruction, robbery, burglary, criminal trespass, or theft.

The bill would amend the Penal Code to increase the punishment of arson, criminal mischief, other property damage or destruction, robbery, burglary, criminal trespass, and theft to the next higher offense level if a vehicle was used to enter a building or structure through a wall, door, or window in the commission of the offense. Offenses punishable as felonies of the first degree or Class A misdemeanors are excluded from the enhancement. The bill would establish a minimum term of confinement of 180 days for certain offenses punishable as Class A misdemeanors.

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

The vehicle provision increases the punishment of certain offenses to the next higher category. The additional impact to criminal justice populations from the bill would vary greatly depending on the number of times a vehicle was driven into or through a building or structure to commit arson, criminal mischief, other property damage or destruction, robbery, burglary, criminal trespass, or theft. 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 occurrence of vehicles driven into or through buildings or structures to commit offenses; 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