

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: HB671 by Darby (Relating to the penalty for theft from a nonprofit organization or by Medicare providers.), **Committee Report 2nd 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 theft from a nonprofit organization or certain theft by a Medicare provider.

The bill would amend the Penal Code to increase the punishment of theft to the next higher category of offense if the property belongs to a nonprofit organization or if the actor was a Medicare provider in a contractual relationship with the federal government and the property came into the actor's custody, possession, or control through that relationship. Felonies of the first degree are excluded from the enhancement. Theft is currently punishable at all offense levels depending upon the type and value of property stolen.

The bill would take effect on September 1, 2009 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. 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 theft from nonprofit organizations or certain theft by a Medicare provider; therefore, the probable impact of implementing the bill cannot be determined.

Local Government Impact

The impact to local government cannot be determined.

Source Agencies: 696 Department of Criminal Justice

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