

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 10, 2009**

**TO:** Honorable Frank Corte, Jr., Chair, House Committee on Defense & Veterans' Affairs

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

**IN RE: HB761** by Creighton (Relating to the penalty for certain property offenses committed during certain declared states of disaster.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code by enhancing the punishment to the next highest category of offense for property offenses committed in an area declared to be under a state of disaster, or a state of local disaster. If the offense for which the punishment is increased by the bill is ordinarily punished as a Class A misdemeanor, the offense remains a Class A misdemeanor but the minimum term of confinement is increased to 180 days.

Increasing the penalty for any criminal offense is expected to result in increased demands upon correctional resources. The impact of the bill on correctional populations would depend on how many persons would be prosecuted under the provision of the bill, and the extent to which punishment would be enhanced under the proposed statute compared to existing statute. For this analysis it is assumed that the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for the resources and services of those agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. Costs associated with enforcement and with punishment that involves county jail time, as well as revenue gain from fines imposed would vary by local government depending on the number of offenses committed; however, the fiscal implications are not expected to be significant.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, KK, GG, TP