

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

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

**March 27, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB1396** by Farrar (Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.), **As Introduced**

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

The bill would amend the Penal Code by removing the requirement that a defendant convicted of the offense of burglary of a vehicle, punishable as a Class A misdemeanor, serve a minimum term of confinement of six months if it is shown that the defendant has previously been convicted of the offense of burglary of a vehicle. The bill would amend the Penal Code by making the offense of burglary of a vehicle punishable as a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted of the offense of burglary of a vehicle. The bill would also amend the Code of Criminal Procedure by specifying the maximum allowable hours of community service ordered by a judge for defendants convicted of the offense of burglary of a vehicle. The bill would also repeal provisions of the Code of Criminal Procedure relating to the current minimum period of community supervision for offenders identified in the bill.

The bill would become effective September 1, 2009 and the change in law made by this Act applies only to an offense committed on or after September 1, 2009.

For this analysis it is estimated that the number of offenders convicted under the provisions of the bill would result in an increase in the felony community supervision population and an increase in the demand for state jail population, but not by a significant amount.

**Local Government Impact**

Increasing the penalty for the offense of burglary of a motor vehicle from a Class A misdemeanor to a state jail felony for offenders with a previous conviction represents a shift in responsibility from local government to the State in dealing with incarceration expenses. The shift would represent a slight increase in demands upon the correctional resources of the State; however, the positive impact to local government would be spread proportionately (based on the frequency of convictions). Removing the requirement that a defendant convicted of the offense of burglary of a vehicle serve a minimum term of confinement of six months could also result in a positive impact to local government.

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

**LBB Staff:** JOB, ESi, GG, LM, TP