

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 21, 2011

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

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

IN RE: HB341 by Fletcher (Relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the prosecution and punishment of burglary while evading arrest or detention. Under current statute, burglary is punishable as a state jail felony if committed in a building other than a habitation, punishable as a second degree felony if committed in a habitation, and punishable as a first degree felony if the premises are a habitation if the person entered the habitation with the intent to commit, committed, or attempted to commit a felony other than theft. The criminal behavior covered under this bill would be a first degree felony if the premises entered while evading an arrest were a habitation. The criminal behavior covered under this bill would be a state jail felony if the premises entered while evading an arrest were a building.

The bill would take effect September 1, 2011 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, GG, LM