

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 4, 2011**

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

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

**IN RE: HB385** by Menendez (Relating to the punishment for theft and certain fraud offenses committed against a disabled individual.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend the Penal Code as it relates to the punishment for theft and certain fraud offenses committed against a disabled individual. The bill would allow disabled individuals affected by theft, forgery, credit card or debit card abuse, misapplication of fiduciary property or property of financial institution, securing execution of document by deception, or fraudulent use or possession of identifying information, to be considered for purposes of punishment enhancement. The bill would take effect on September 1, 2011 and would apply to an offense committed on or after the effective 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 jail, state jail or prison. For this analysis, it is assumed 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 resources and services of those agencies.

**Local Government Impact**

The bill would elevate punishment for theft and certain fraud offenses committed against disabled individuals to the next higher category of offense.

For offenses elevated to a Class A or Class B misdemeanor, costs associated with enforcement, prosecution, and confinement could be absorbed within existing resources. Revenue gain from fines imposed and collected would not have a significant fiscal implication.

For offenses elevated from a misdemeanor to a felony, offenders would be housed in state jails rather than county jails which would provide a savings to counties. Savings would vary by county depending on the number of convictions that would fit the criteria for an elevated offense in accordance with the bill; however fiscal impact to local governments is not anticipated to be significant.

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG, ADM, KKR