

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

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

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

IN RE: HB2326 by McClendon (Relating to the punishment for the offense of theft.), **As Introduced**

The probable fiscal savings as a result of implementing the provisions of the bill cannot be determined because the actual value of property involved in theft offenses is unknown.

The bill would amend the Penal Code as it relates to the punishment for the offense of theft. Under the provisions of the bill, the threshold for the value of property stolen for both misdemeanor and certain felony punishment levels would be raised. Under current statute theft is punishable at all misdemeanor and most felony levels with punishment based on the value of property stolen or previous theft convictions. The bill would also expand the section of the Theft chapter as it relates to assessing value for property or service with value that cannot be reasonably ascertained for those charged with the offense of theft under Section 31.03, Penal Code.

Raising the threshold for the value of property stolen is expected to result in decreased demands upon the correctional resources of counties or of the State due to shorter terms of probation, or shorter terms of confinement in county jails or prison. Since the bill is raising the threshold for the value of property stolen for theft (misdemeanor and state jail felony) the impact on the state as a result of raising the threshold is likely to result in a decreased demand on the correctional resources of the state since offenders previously punished as state jail felons would now be punished as Class A misdemeanants.

Local Government Impact

Raising the threshold for the value of property stolen is expected to result in decreased demands upon the correctional resources of counties due to shorter terms of probation, or shorter terms of confinement in county jail. However, countering this impact could be the cost of punishment for theft offenses that would be shifted from felony level to misdemeanor level as a result of the bill. The impact of the provisions of the bill on local government cannot be estimated due to the absence of data related to the value of property stolen for the offense of theft.

Source Agencies:

LBB Staff: JOB, ESi, GG, LM