

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: HB2482 by Pena (Relating to the prosecution of and punishment for certain offenses involving theft.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the prosecution and punishment for certain offenses involving theft. The bill would remove the minimum threshold value for a charge of organized retail theft of \$1,500. Under the provisions of the bill, organized retail theft would be punishable as a Class B Misdemeanor if the value of the merchandise involved is less than \$50; a Class A Misdemeanor if the value of the merchandise involved is \$50 or more but less than \$500; a state jail felony if the value of the merchandise involved is \$500 or more but less than \$1,500; a felony of the third degree if the value of the merchandise involved is \$1,500 or more but less than \$20,000; a felony of the second degree if the value of the merchandise involved is \$20,000 or more but less than \$100,000; or a felony of the first degree if the value of the merchandise involved is \$100,000 or more. Punishment for certain organized retail theft would be increased to the next higher category of offense for persons that organize, supervise, finance, or manage one or more other persons engaged in the activity. The bill would also amend the Penal Code by enhancing the punishment for organized retail theft and theft to the next highest category of offense if it is shown on the trial that the actor caused a fire exit alarm to sound or become activated, deactivated or prevented a fire exit alarm or retail theft detector from sounding, or used a shielding or deactivation instrument to prevent or attempt to prevent detection by a retail theft detector; the enhancement provisions would not apply to an offense punishable as a felony of the first degree.

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

Expanding the list of behaviors for which a penalty is applied for any criminal offense or 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. However, in the case of this bill, 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

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

Source Agencies:

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