LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 22, 2011

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

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

IN RE: **HB2482** by Pena (Relating to the offense of organized retail theft.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the offense of organized retail 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 total value of the merchandise involved is less than $500, and would be punishable as a Class A Misdemeanor if the total value of the merchandise involved is $500 or more but less than $1,500; punishment 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 as it relates to organized retail theft or theft punishable as a Class C or B Misdemeanor, by enhancing the punishment to the next highest category of offense if it is shown at trial the defendant caused a fire exit alarm to sound or become activated, deactivated or prevented a fire exit alarm from sounding, or used a shielding or deactivation instrument to prevent or attempt to prevent detection by a retail theft detector.

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

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

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

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