

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB73 by Fletcher (Relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.), **Committee Report 1st House, As Amended**

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 under certain circumstances, 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 second degree felony if the premises were a habitation and entered while evading arrest or detention.

For any criminal offense, expanding the list of behaviors for which a penalty applies is expected to increase correctional supervision and/or incarceration populations and thereby increase demands on county and/or state correctional resources. However, in the case of the bill, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

The bill would take effect September 1, 2013 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: UP, ESi, GG, JGA