

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 28, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB235 by Riddle (Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB235, As Introduced: a negative impact of (\$8,118,819) through the biennium ending August 31, 2015.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$3,063,081)
2015	(\$5,055,738)
2016	(\$5,968,496)
2017	(\$6,810,471)
2018	(\$7,501,664)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2014	(\$3,063,081)
2015	(\$5,055,738)
2016	(\$5,968,496)
2017	(\$6,810,471)
2018	(\$7,501,664)

Fiscal Analysis

The bill would amend the Penal Code as it relates to the punishment for burglary of a vehicle. Under the provisions of the bill, the Penal Code would be amended by making the offense of burglary of a vehicle punishable as a state jail felony. The offense of burglary of a vehicle is currently punishable as a state jail felony if the defendant has been previously convicted two or more times or the vehicle/part is a rail car; otherwise the offense is punishable as a Class A Misdemeanor. The bill would become effective September 1, 2013 and apply only to an offense committed on or after the effective date of the act.

Methodology

The population impact as a result of the provisions of the bill will come from defendants whose offense is currently punishable as a Class A Misdemeanor but would be punishable as a state jail felony as a result of the bill. In fiscal year 2012, there were 1,368 offenders placed on misdemeanor community supervision for a Class A Misdemeanor offense of burglary of a vehicle. Based on fiscal year 2012 trends, it is estimated that of those convicted for this offense, approximately 55% would be given community supervision and 45% would be sentenced to some term of incarceration in state jail. In order to estimate the future impact of the proposed conditions of the bill, the changes proposed for the offense of burglary of a vehicle policy are applied in a simulation model to: 1) a state jail population that reflects the distribution of offenses, sentence lengths, and time served; and 2) a felony community supervision model reflecting the increase in the number of people supervised. Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$42.90 per inmate per day for state jail facilities, reflecting costs per day for State-operated facilities in fiscal year 2012. The costs of felony community supervision are estimated on the basis of \$2.99 per day.

Local Government Impact

Increasing the penalty for the offense of burglary of a vehicle from a Class A Misdemeanor to a state jail felony would represent a shift in responsibility from local government to the State relating to the burden of confinement of convicted offenders. The shift in responsibility is expected to result in increased demands upon the correctional resources of the State; the expected positive impact to local government would be spread proportionately, based on the frequency of convictions.

Source Agencies:

LBB Staff: UP, ESi, GG, JPo