

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 15, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1069** by McClendon (Relating to the classification of certain misdemeanor and felony theft offenses.), **As Introduced**

**The probable fiscal savings as a result of implementing the provisions of the bill are indeterminate at this time 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**

The bill would raise the minimum value of stolen property for a crime to qualify for higher offenses, which would likely lead to more Class C misdemeanors and fewer Class A and Class B misdemeanors. However, costs associated with enforcement and prosecution could likely be absorbed within existing resources, and changes in revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**

**LBB Staff:** UP, JPo, KKR, ESi, GG, LM