

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: HB2827 by Burkett (Relating to the punishment for the offense of burglary of a vehicle and to grants of community supervision to persons who commit that offense.), **As Introduced**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the exact amount of pecuniary loss to tangible personal property resulting from burglary of a vehicle.

The bill would amend the Penal Code as it relates to the punishment for the offense of burglary of a vehicle and to grants of community supervision to persons who commit that offense. Under the provisions of the bill, the punishment for burglary of a motor vehicle would be aligned to the amount of pecuniary loss to tangible personal property. Punishments would range from a Class B misdemeanor to a first degree felony depending on the amount of loss. Under current statute, burglary of a motor vehicle is punished as a Class A misdemeanor or a state jail felony depending on the circumstances of the offense, but is not aligned to amounts of pecuniary loss to tangible personal property.

The bill's provisions would increase or decrease the current punishment for burglary of a motor vehicle depending on the amount of loss. The bill's provisions reducing certain offenses from a Class A misdemeanor to a Class B misdemeanor could potentially result in savings at the local level. However, the bill's provisions would potentially increase the current punishment for burglary of a motor vehicle at the state level, depending on the amount of loss.

Increasing a criminal penalty is expected to increase demands upon county and/or state correctional resources due to longer terms of community supervision or longer terms of confinement in county jail, state jail, or prison. Also when an offense changes from a misdemeanor to a felony, the burden of confining convicted offenders transfers from the counties to the state. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions for burglary of a vehicle. Whether the bill would result in a significant amount of cost to the state is indeterminate due to a lack of statewide data on the exact amount of pecuniary loss to tangible personal property resulting from burglary of a vehicle. At present, data do not exist that would enable the determination of the amount of loss in these cases.

Local Government Impact

The bill would reduce the charge from a Class A to a Class B misdemeanor if the loss is less than

\$500. Reduced costs associated with enforcement, prosecution, and confinement could likely be absorbed within existing resources. Lower revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 696 Department of Criminal Justice

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