

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

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

**March 25, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

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

**IN RE:** SB124 by Rodríguez (Relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Penal Code relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools. Under the provisions of the bill, tampering with certain data reported for a school district or open-enrollment charter school to the Texas Education Agency through the Public Education Information Management System would be a third degree felony and would provide for enhancement to a second degree felony if the intent is to defraud or to harm. Under current law, tampering with governmental records is punishable at the misdemeanor and felony level and is contingent on intent of the actor and type of governmental document.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands upon the correctional resources of counties or of the state due to longer terms of probation, or longer terms of confinement in county jail, state jail, or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the state. For this analysis, it is assumed the number of offenders convicted under the provisions of the bill 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:** 701 Central Education Agency

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