

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1396 by Workman (Relating to certain criminal offenses, punishments, and procedures; the construction of certain statutes and rules that create or define criminal offenses and penalties; a review of certain penal laws of this state.), **Conference Committee Report**

The probable fiscal impact of implementing the bill is expected to be positive but it is indeterminate due to the unavailability of reliable data or information related to the exact amount of pecuniary loss for certain offenses against property or public administration. Depending upon the number of convictions that could be affected by the shifting punishment categories, there could also be an indeterminate revenue impact to the state.

The bill would amend the various codes as they relate to the construction of certain statutes and rules that create or define criminal offenses and penalties and a review of certain penal laws of this state. Under the provisions of the bill, the pecuniary loss amounts aligned with certain punishment ranges would be increased. The bill would also expand the punishment range for fraudulent transfer of a motor vehicle to include additional felony punishments. Increasing the amount of pecuniary loss aligned with certain punishment ranges 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. The bill may have a positive fiscal impact by decreasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant amount of savings to the state is indeterminate due to a lack of statewide data on the exact amount of pecuniary loss for those convicted of certain offenses against property or public administration. Expanding the punishment range for fraudulent transfer of a motor vehicle to include additional felony punishments 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. Depending upon the number of convictions that could be affected by the shifting punishment categories, there could also be an indeterminate revenue impact to the state. The bill would also amend the Code of Criminal Procedure to prohibit a peace officer from searching a person's cell phone or other wireless communications device without a search warrant and provide related guidelines and exceptions. The bill would also create a commission to review all penal laws other than criminal offenses and give certain criminal trials preference over other criminal and civil trials. The Office of Court Administration and the Office of the Governor indicate implementing the provisions of the bill would not result in a significant fiscal impact. The Department of Public Safety indicates it can implement bill provisions within existing resources. This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional agencies.

Local Government Impact

Changes in costs relating to enforcement, prosecution, and confinement could likely be absorbed within existing resources. Changes in revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: UP, ESi, KJo, LM