

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 6, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1570 by White, James (Relating to the punishment for the offense of burglary.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB1570, As Introduced: a negative impact of (\$48,236,150) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$16,033,498)
2017	(\$32,202,652)
2018	(\$34,321,633)
2019	(\$35,230,390)
2020	(\$35,310,792)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2016	(\$16,033,498)
2017	(\$32,202,652)
2018	(\$34,321,633)
2019	(\$35,230,390)
2020	(\$35,310,792)

Fiscal Analysis

The bill would amend the Penal Code by increasing the punishment for the offense of burglary of a building from a state jail felony to a third degree felony. Increasing the penalty for burglary of a building is expected to result in a negative fiscal impact. The bill would take effect on September 1, 2015 and apply only to offenses committed on or after the effective date of the Act.

Methodology

Under the provisions of the bill, burglary of a building would be increased from a state jail felony to a third degree felony. Increasing the penalty for any offense is expected to result in increased demands upon the correctional resources of the state due to longer terms of felony community supervision, longer terms of confinement in state correctional institutions, and additional persons under parole supervision.

In fiscal year 2014, 1,445 people were admitted into state correctional facilities and 1,039 were placed under felony community supervision for burglary of a building punishable as a state jail felony. In order to estimate the future impact of the bill's provisions, the average length of stay for offenders with a state jail felony burglary of a building offense was compared to the average length of stay for offenders with a third degree felony property offense. The differences in lengths of stay were used to estimate costs associated with implementing the bill's provisions.

Cost per day figures included in this analysis are based on those reported in the *February 2015 Criminal and Juvenile Justice Uniform Cost Report*. Costs per offender per day are estimated at \$1.63 for felony community supervision, \$54.89 for prison, and \$4.04 for parole supervision. Savings are estimated at \$47.30 per day per offender in state jail. Based on the adult correctional population projections included in the *February 2015 Adult and Juvenile Correctional Population Projections Report*, and assuming all other sentencing practices remain constant, the bill's provisions would result in an estimated cost of \$16,033,498 during fiscal year 2016. This analysis assumes the bill's provisions would reach partial implementation for fiscal year 2016 and reach full implementation in fiscal years 2017 and beyond.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LM