

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 10, 2015

TO: Honorable Geanie Morrison, Chair, House Committee on Environmental Regulation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3296** by Fletcher (Relating to an increase in punishment for certain persons convicted of theft of nickel-bearing alloys.), **As Introduced**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the number of thefts involving nickel-bearing alloys.

The bill would amend the Penal Code to punish theft of nickel-bearing alloys with a value of under \$20,000 as a state jail felony. Currently, theft of any object with a value of \$1,500 to \$20,000 is punishable as a state jail felony. The bill's provisions would enhance the punishment of theft of a nickel-bearing alloy from various misdemeanor levels to a state jail felony if the value of the object was below \$1,500.

Thefts of nickel-bearing alloys with a value of \$1,500 to \$20,000 are currently punishable as a state jail felony. Therefore, this analysis assumes the enhanced punishment included in the bill would apply to thefts of nickel-bearing alloys with a value under \$1,500.

Increasing the punishment from a misdemeanor to a state jail felony is expected to result in increased demands upon the correctional resources of the state due to additional persons subject to placement under felony community supervision or confinement in state correctional facilities. The bill may have a negative fiscal impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions for theft of nickel-bearing alloys. Whether the bill would result in significant costs to the state is indeterminate due to a lack of statewide data that would enable the identification of which thefts with a value under \$1,500 involved nickel-bearing alloys.

Local Government Impact

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

Source Agencies:

LBB Staff: UP, SZ, LM, ESi