

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 20, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB1178** by Kuempel (Relating to the punishment for burglary and theft of controlled substances.), **As Engrossed**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the type of facility in which the offense of burglary of a building is committed.

The bill would amend the Penal Code as it relates to certain burglary and theft offenses. Under the provisions of the bill, certain burglary offenses would be enhanced from a state jail felony to a third degree felony. The bill would also make theft of a controlled substance a third degree felony.

Increasing the penalty for any offense is expected to result in increased demands upon State correctional resources due to longer terms of supervision in the community, longer terms of confinement in state correctional institutions, and additional persons under parole supervision. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision, incarcerated within state correctional institutions, or placed under parole supervision. Whether the bill would result in a significant fiscal impact is indeterminate due to lack of statewide data related to the type of building burglarized. A statewide repository containing the level of detail necessary to isolate those individuals arrested, placed under felony community supervision, or incarcerated within state correctional institutions for burglary of a building under the circumstances in which the offense would be enhanced is also not available.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, KJo, LM