

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 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 involving controlled substances.), **Committee Report 2nd House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate because data collected at the statewide level do not contain the detail necessary to determine the type of facility or vehicle in which the offense of burglary or theft of a controlled substance is committed. This information is necessary to determine the impact of the bill's enhancement provisions.

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 under certain circumstances 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 or longer terms of confinement within state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to lack of statewide data related to the type of building or vehicle burglarized with the intent to commit theft of a controlled substance. Data collected at the statewide level do not contain the detail necessary to isolate those individuals arrested, placed under felony community supervision, or incarcerated within state correctional institutions for burglary of a building or vehicle under the circumstances in which the offense would be enhanced.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LM