

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 16, 2019**

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

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB37** by Minjarez (Relating to the creation of the criminal offense of mail theft.), As  
Engrossed

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of information on the number of persons to which the mail was addressed, whether the addressee was a disabled or elderly individual, or if the mail was stolen with the intent to commit another offense. This information is necessary to identify the cases affected by the provisions of the bill from all other theft of property cases.**

The bill would amend the Penal Code to create the criminal offense of mail theft. Under the provisions of the bill, mail theft would be punishable on varying misdemeanor and felony levels depending on the number of addressees. The offense would be enhanced to the next higher category of offense if the addressee was a disabled or elderly individual or if it was shown at trial the mail was stolen with the intent of using the contents to commit another offense. Creating a criminal offense is expected to result in additional demands on the correctional resources of the counties or of the State due to an increase in individuals placed under supervision in the community, sentenced to terms of confinement in state correctional institutions, or placed under parole supervision. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of persons the number of persons to which the mail was addressed, whether the addressee was a disabled or elderly individual, or whether the mail was stolen with the intent of using the contents to commit another offense.

**Local Government Impact**

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 304  
   Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, LM, SPa, AF