

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 30, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

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

IN RE: **HB760** by Wu (relating to the punishment for the criminal offense of theft involving a package delivered to or collected from a residential or commercial property; increasing a criminal penalty.), **Committee Report 1st House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available specifying the number of times a package to be delivered or collected whose value was less than \$2,500, was stolen from a residential or commercial property. These data are necessary to estimate the fiscal impact of the bill's enhancement provision.

The bill would amend the Penal Code to increase the criminal penalty for certain offenses related to theft of packages. Certain theft offenses where the pecuniary value of the item stolen was less than \$2,500 would now be punished as a Class A misdemeanor if it involved a package being delivered or collected. Under current statute, theft of property where the value is less than \$2,500 is punished at multiple misdemeanor levels with the punishment based on the pecuniary value of the item stolen. Increasing the criminal penalty for any criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community. The bill may have a negative population impact by increasing the number of people under misdemeanor community supervision. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a package was delivered or was to be collected whose value is less than \$2,500 was stolen from a residential or commercial property. The Office of Court Administration indicates the modifications made by the bill would not result in a significant fiscal impact. The Comptroller of Public Accounts indicates the fiscal impact on the state cannot be determined.

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

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

