

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 25, 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: HB1240 by Davis, Yvonne (Relating to the punishment for the criminal offense of theft.),
As Introduced

The fiscal impact of implementing the bill is indeterminate due to the lack of data or information that would allow the number of cases in which theft offenses involved property valued at \$750 or more but less than \$2,500 to be distinguished from all other theft cases. These data are necessary to determine the number of individuals with certain previous theft convictions who would now be punished as misdemeanants and estimate the fiscal impact of the bill's provisions.

The bill would amend the Penal Code to decrease the punishment for certain theft cases if the person was convicted three or more times of theft involving property valued at \$750 or more but less than \$2,500. Under the provisions of the bill, in these circumstances the punishment for theft would be decreased from a state jail felony to a Class A misdemeanor.

Decreasing the punishment for any criminal offense is expected to result in fewer demands upon the correctional resources of counties or of the State due to short terms of supervision in the community and fewer person sentenced to a term of confinement in state correctional institutions. The bill may have a positive fiscal impact by decreasing the number of people incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact cannot be determined due to the lack of data or information related to the number of cases in which a person was convicted three or more times for theft involving property valued at \$750 or more but less than \$2,500 and would now be punished as a misdemeanor. The Office of Court Administration and the Texas Department of Criminal Justice indicate the modifications outlined in the bill's provisions will not result in a significant fiscal impact. The Comptroller of Public Accounts indicates the fiscal impact to the state cannot be estimated.

Local Government Impact

Cameron County anticipates a fiscal impact between \$321,000 and \$408,000 due to increased housing costs, additional staff, and operational expenses.

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, JPo, AF, LCO

