

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 18, 2019

TO: Honorable Jim Murphy, Chair, House Committee on Pensions, Investments & Financial Services

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

IN RE: **HB2625** by Perez (relating to creating the criminal offense of mass fraudulent use or possession of credit card or debit card information.), **Committee Report 1st House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate due to the lack of statewide data related to the specific circumstances involved in mass fraudulent use or possession of credit card or debit card information. These data are necessary to determine the fiscal implications of the punishment level assessed and the bill's enhancement provisions.

The bill would amend the Penal Code as it relates to fraudulent use or possession of credit card or debit card information. Under the provisions of the bill, a new offense would be created for mass fraudulent use or possession of credit card or debit card information. The punishment level would range from a third through a first degree felony, with the degree of penalty based on the number of items obtained, possessed, or transferred. The bill would also provide for enhancement to the next higher category if committed against one or more elderly individuals. The offense could be punished, where applicable, under existing statute, the proposed statute, or both.

Creating a new offense is expected to result in additional demands upon the correctional resources of the counties and of the State due to an increase in individuals placed under community supervision or sentenced to a term of incarceration 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 have a significant fiscal impact is indeterminate due to a lack of statewide data which could be used to distinguish credit or debit card fraud in general from the particular type of fraud addressed in the provisions of the bill, or whether the victim is elderly. The Office of Court Administration indicates the modifications outlined in the bill's provisions will not result in a significant fiscal impact to the state court system.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, CMa, LM, DGi

