

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 7, 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: HB4235 by Anderson, Charles "Doc" (Relating to increasing the criminal penalty for burglary of a commercial building in which trade or commerce is conducted.), **As Introduced**

The probable fiscal impact of implementing the bill is indeterminate due to the lack of data that would allow for the identification of the type of building burgled. These data are necessary to determine the fiscal implications associated with increasing the punishment as outlined in the bill's provisions.

The bill would amend the Penal Code as it relates to burglary of a commercial building. Under the provisions of the bill, a person would commit a third degree felony for burglary if the building the person burgled was a commercial building in which trade or commerce is conducted. Under current statute, burglary of a building is punishable at multiple felony levels with the punishment level based on the specific circumstances of the offense.

Increasing the 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 or longer terms of confinement within state correctional institutions. The bill may have a negative fiscal impact by increasing the amount of time people remain under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due the lack of data that would allow for the identification of the type of building burgled. The number of people whose burglary of a building offense involved burglary of a commercial building in which trade or commerce is conducted cannot be distinguished from all other burglary of a building cases due to lack of information on the specific building type. According to the Office of Court Administration, the modifications outlined in the bill's provisions will not result in a significant fiscal impact.

Local Government Impact

According to the Office of Court Administration, no significant fiscal impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
 Department of Criminal Justice

LBB Staff: WP, LBO, LM, SPa

