

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 29, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2725 by Martinez Fischer (Relating to increasing the criminal penalty for using certain materially false or misleading statements in the commission of the offense of fraudulent use or possession of identifying information.), **As Introduced**

Expanding the circumstances for which a criminal penalty can be enhanced is expected to result in additional demands on the correctional resources of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information the number of cases where the actor used a false or misleading statement regarding a vaccine to obtain identifying information. This information is necessary to identify the cases affected by the provisions of the bill from all other fraudulent use or possession of identifying information cases. These data are necessary to determine the extent of the fiscal impact associated with implementing the provisions of the bill.

The bill would amend the Penal Code as it relates to fraudulent use or possession of identifying information. Under the provisions of the bill, a person who uses a materially false or misleading statement regarding the availability, provision, or distribution of a vaccine to obtain identifying information would commit an offense which can be enhanced to the next higher category of offense depending on the specific circumstances of the offense.

Expanding the circumstances for which a criminal penalty can be enhanced is expected to result in additional demands on the correctional resources of the counties or of the State due to an increase in the length of supervision of individuals placed onto supervision in the community or length of stay of individuals sentenced to terms of confinement in state correctional institutions. The bill may have a negative population impact by increasing the length or supervision or stay of people on felony direct community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of cases where the actor used a false or misleading statement regarding a vaccine to obtain identifying information.

The Office of Court Administration does not anticipate a significant fiscal impact to the state court system.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, LM, SPA