

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 20, 2023

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB465 by Bettencourt (Relating to certain criminal conduct involving a catalytic converter; creating a criminal offense; increasing criminal penalties.), **As Introduced**

Creating a new offense and increasing the penalty for an existing offense may result in additional demands upon state correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to the lack of statewide data necessary to identify cases of criminal mischief or theft which involved a catalytic converter.

The bill would create a new state jail felony offense for the unauthorized possession of a catalytic converter, establish a presumption of an authorized possession under certain circumstances, and increase the penalty to a third degree felony in the case of a previous conviction or for engaging in certain conduct constituting conspiracy. The bill would make criminal mischief a state jail felony if the amount of pecuniary loss is less than \$30,000 and the property is a motor vehicle that is damaged, destroyed, or tampered with during the removal or attempted removal of a catalytic converter from the motor vehicle. The bill would make theft a state jail felony if the value of the property stolen is less than \$30,000 and is a catalytic converter. The bill would make both the state jail felony criminal mischief offense relating to a catalytic converter and the new state jail felony offense for unauthorized possession of a catalytic converter subject to a penalty enhancement if the offense was committed or conspired to be committed while engaging in organized criminal activity.

The Office of Court Administration and Comptroller of Public Accounts (CPA) indicate that the fiscal impact cannot be determined, but CPA indicates that there could be an increase in state revenue associated with court costs.

The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to the lack of statewide data necessary to identify cases of criminal mischief or theft which involved a catalytic converter. Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day was \$2.24 for an adult on felony community supervision, \$73.39 for an adult in a state jail facility, and \$77.49 for an adult in a systemwide facility.

Increasing a penalty from a misdemeanor to a felony would permit the punishment of juveniles by commitment to the Texas Juvenile Justice Department (TJJD) and may lead to increased populations in juvenile state correctional facilities. Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day was \$709.66 for a juvenile committed to TJJD and placed in a secure residential facility.

Local Government Impact

While the fiscal impact cannot be determined, the impact upon local correctional resources would be dependent on the number of individuals placed under supervision in the community compared to the number of individuals sentenced to a term of confinement in a state correctional institution.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts
LBB Staff: JMc, DDeI, LBO