

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: SB467 by Bettencourt (Relating to increasing the criminal penalty for the offense of criminal mischief involving impairment of a motor fuel pump.), **As Introduced**

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 involving a retail motor fuel pump.

The bill would make the criminal penalty for criminal mischief in which the actor causes wholly or partly impairment or disruption to a retail motor fuel pump, regardless of the amount of pecuniary loss, a third degree felony.

The Office of Court Administration indicates that no significant impact to the state court system is anticipated. The Comptroller of Public Accounts indicates that the fiscal impact cannot be determined but 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 involving a retail motor fuel pump. 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 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, MGol