

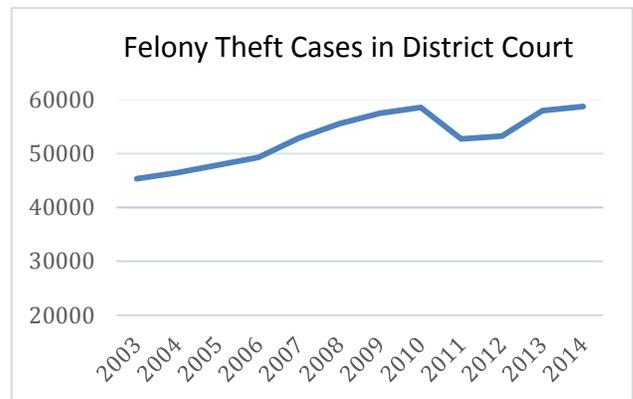
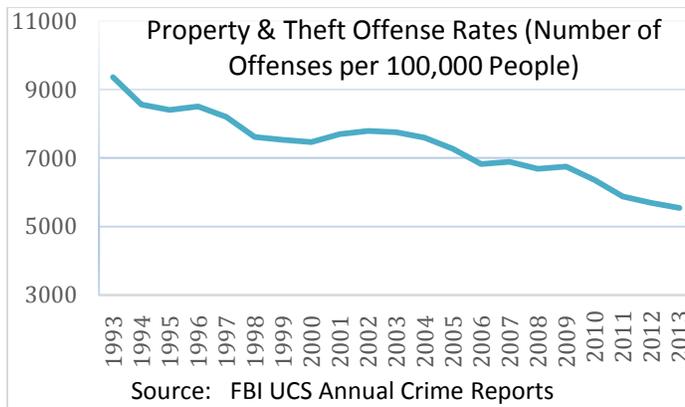


Douglas Smith, MSSW, Policy Analyst
 Work: (512) 441-8123, ext. 102
 Cell: (512) 960-0534
 dsmith@TexasCJC.org
 www.TexasCJC.org

Dear Members of the Committee,

Thank you for the opportunity to testify in support of HB 1530, which will adjust monetary thresholds for property offenses to account for more than 22 years of inflation. This bill will ensure that penalties for property offenses coincide with the intention of the legislature.

- The penalty for committing a property offense corresponds to the dollar amount lost or damaged. For instance, a Class A misdemeanor involves property worth \$500 or more but less than \$1,500; if the property value is \$1,500, the offense becomes a state jail felony. Consumer goods with a value of \$1,500 today were worth less than \$1,000 in 1993.¹ Consequently, **what amounted to a Class A misdemeanor 20 years ago may now constitute a state jail felony—a de facto “criminal inflation” that was not intended by the authors of the 1993 legislation.**
- **Property crime rates in Texas have steadily fallen for the past 20 years.**² Not only have these rates fallen in relation to the growing population, but **the actual number of property crimes reported between 1993 and 2013 has dropped more than 13 percent.**³ Yet, **felony theft caseloads in district court have increased nearly 30 percent,**⁴ largely because of the increase in the general level of prices for the same goods and services.



- **Convictions based on disproportionate offense thresholds can result in incarceration in county jail or state-level correctional facilities, all at a cost that can exceed \$50 per person per day.**⁵ More than 35 percent of state jail inmates were serving time for larceny or burglary, as of August 2014.⁶ **Those individuals alone cost taxpayers more than \$175,000 per day to incarcerate and almost \$64 million annually.**⁷
- **Incarcerating individuals for petty property offenses is costly to taxpayers, depletes resources that can be directed toward individuals who pose a high risk to public safety, and further burdens jails and prisons.**
- **HB 1530 will save taxpayer dollars and increase fairness in the judicial system by updating the antiquated value thresholds upon which property offenses are based.** This will make penalties more proportional to the offenses committed and avoid wasting valuable resources on prosecution and incarceration for petty crimes. It will also more closely conform punishments to what was intended by the authors of the 1993 legislation.

Citations on reverse.

Citations

¹ Based on the United States Department of Labor's Consumer Price Index (CPI), goods that were valued at \$50 in 1993 are worth \$81.22 today, and goods valued at \$20,000 in 1993 are now worth \$32,487.47. See United States Department of Labor: Bureau of Labor Statistics, "Databases, Tables & Calculators by Subject," CPI Inflation Calculator, website last accessed April 19, 2015, http://www.bls.gov/data/inflation_calculator.htm.

² DisasterCenter.com, *Texas Crime Rates 1960 - 2013*, from the FBI UCS Annual Crime Reports, <http://www.disastercenter.com/crime/txcrime.htm>

³ Ibid.

⁴ Office of Court Administration, Annual Statistical Reports, 2003 – 2014, <http://www.txcourts.gov/statistics/annual-statistical-reports.aspx>

⁵ According to the Legislative Budget Board (LBB), per-day prison costs are as much as \$53.87 per person, while per-day state jail costs average \$47.30 per person; from LBB, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2013 and 2014*, February 2015, 4, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1440_Criminal_Juvenile_Justice_Uniform_Cost_Report.pdf. Also note: According to Brandon Wood, Director of the Texas Commission on Jail Standards (TCJS), per-day county jail costs average \$59 per bed; TCJS presentation at American Bar Association, Criminal Justice Section, Roundtable on Pretrial Detention in Texas, held in Austin, Texas, March 30, 2012.

⁶ Texas Department of Criminal Justice (TDCJ), *Statistical Report: Fiscal Year 2014*, 11, http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf.

⁷ LBB, *Uniform Cost Report*, *supra* note 5, at 4.