

[2015 Session] Update Monetary Thresholds for Property Offenses in Light of Inflation

Policy Background:

Property-related offenses include criminal mischief, graffiti, and theft.[1] 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.

These monetary “thresholds” (ranges of dollar amounts) have not been changed since 1993 and therefore fail to reflect more than two decades of inflation. Consumer goods with a value of \$1,500 today were worth only \$911 in 1993.[2] In other words, people are receiving state jail felonies today for offenses considered to be a Class A misdemeanor in 1993 – a de facto “criminal inflation.”

Adjusting these penalties would not only be a common sense reform in the interests of fairness, but more closely conform punishments to what was intended by the authors of the 1993 legislation.

Texas policy-makers should update 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 crime.

Key Facts:

A Snapshot of Property Crimes in Texas:

- In 2013, larceny theft[3] alone accounted for slightly more than 10% of the 936,358 arrests made in Texas that year.[4]
- Property-related crimes comprise 50% of the population in state jail facilities, with burglary and larceny representing the top property offenses (70% of all property offenses).[5] Individuals in state jails who have been convicted of property crimes cost taxpayers \$225,000 per day to incarcerate and almost \$82 million annually.[6]
- Property-related crimes comprise nearly 13% of the population in prison, with burglary and larceny representing the top property offenses (84% of all property

offenses).[7] Individuals in prison who have been convicted of property crimes cost taxpayers \$832,000 per day to incarcerate and more than \$304 million annually.[8]

How Other States Have Adjusted Thresholds to Account for Inflation Rates:

- Alabama passed legislation raising theft thresholds in 2003.[9]
- In the last few years, Georgia, Nevada, Ohio, Utah, and the District of Columbia have each enacted laws increasing felony thresholds for various property-related crimes, such as criminal mischief or theft.[10] In Ohio, projected savings were \$1,294,290 annually.[11]
- Oregon and Washington raised criminal mischief, theft, and other thresholds in 2009.[12]

Relevant Bills:

- **Bill Number:** [HB 1396](#) (author: Workman | sponsor: Burton)
Bill Caption: Relating to certain criminal offenses, punishments, and procedures; the construction of certain statutes and rules that create or define criminal offenses and penalties; a review of certain penal laws of this state.
House Hearing Notice: House Criminal Jurisprudence Committee, [Notice of Public Hearing on April 15, 2015](#)
Senate Hearing Notice: Senate Criminal Justice Committee, [Notice of Public Hearing on May 21, 2015](#)
TCJE Senate Action: [Card in support](#)
Outcome: **Effective 9/1/15**
- **Bill Number:** [HB 1530](#) (Peña, James White, Moody, Lucio III)
Bill Caption: Relating to the punishment for certain offenses against property or against public administration.
TCJE Materials: [Fact Sheet](#) | [Testimony](#) | [Comparative Chart](#)
Hearing Notice: House Criminal Jurisprudence Committee, [Notice of Public Hearing on April 20, 2015](#)
Archived Hearing Video: House Criminal Jurisprudence Committee, [04/20/15 Video](#) [TCJE testimony begins at 03:49:04]
- **Bill Number:** [SB 393](#) (authors: Burton, Rodríguez | sponsor: Peña)
Bill Caption: Relating to the punishment for certain offenses against property or against public administration.

TCJE Materials: [Fact Sheet](#) | [Testimony](#) | [Comparative Chart](#)

Hearing Notice: Senate Criminal Justice Committee, [Notice of Public Hearing on March 31, 2015](#)

Archived Hearing Video: Senate Criminal Justice Committee, [03/31/15 Video](#)
[TCJE testimony begins at 04:26:57 and 04:28:19]

Outcome: [Amended to HB 1396 \(see above\)](#), [Effective 9/1/15](#)

Outside Publications:

- Texas Senate Committee on Criminal Justice, [Interim Report to the 84th Legislature](#) [December 2014]

See *Charge 6*: Study the value ladder of charges for theft and related offenses within the Texas Penal Code and recommend any necessary updates and proposed legislative reforms. (pages 59-69)

[1] Criminal mischief, graffiti, and theft can be found in Tex. Penal Code §§ 28.03, 28.08, and 31.03 respectively.

[2] U.S. Department of Labor, Bureau of Labor Statistics, CPI Inflation Calculator; http://www.bls.gov/data/inflation_calculator.htm. \$1,500.00 in 2014 equated to \$915.58 in 1993. Accessed February 12, 2015.

[3] Larceny theft is distinguishable (i.e., it is a separate offense) from burglary, robbery, and motor vehicle theft.

[4] Texas Department of Public Safety, *Texas Arrest Data: 2013*, p. 75; <http://www.txdps.state.tx.us/crimereports/13/citCh9.pdf>

[5] Texas Department of Criminal Justice (TDCJ), *Statistical Report: Fiscal Year (FY) 2014*, pp. 1, 11; http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf

[6] Texas spends \$42.90 per person per day to incarcerate one individual in a state jail. See Legislative Budget Board (LBB), *Criminal Justice Uniform Cost Report, Fiscal Years 2010 to 2012*, Submitted to the 83rd Texas Legislature, January 2013, p. 8; www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Uniform_Cost/Criminal%20Justice%20Uniform%20Cost%20Report%20Fiscal%20Years%202010%20to%202012.pdf

[7] TDCJ, *Statistical Report: FY 2014*, pp. 1, 10.

[8] Texas spends as much as \$48.84 per person per day to incarcerate one individual in prison. See LBB, *Criminal Justice Uniform Cost Report*, p. 8.

[9] Vera Institute of Justice, *Memorandum to South Carolina Sentencing Commission*, June 26, 2009, p. 2;
<http://www.scstatehouse.gov/archives/citizensinterestpage/SentencingReformCommission/RetreatPresentations/WilhelmFinalVersionSRCRetreat.pdf>

[10] National Conference of State Legislators, *State Sentencing and Corrections Legislation*;
<http://www.ncsl.org/issues-research/justice/state-sentencing-and-corrections-legislation.aspx>

[11] Vera Institute of Justice, *Memorandum*, p. 2.

[12] National Conference of State Legislators, *Significant State Sentencing and Corrections Legislation in 2009*;
<http://www.ncsl.org/issues-research/justice/sentencing-and-corrections-legislation-in-2009.aspx>