

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 3, 2005

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB2193 by Madden (Relating to the operation of a system of community supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2193, As Introduced: an impact of \$0 through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$0
2007	\$0
2008	\$133,848
2009	\$1,119,129
2010	\$4,083,550

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2006	\$0
2007	\$0
2008	\$133,848
2009	\$1,119,129
2010	\$4,083,550

Fiscal Analysis

The bill would amend the sections of the Code of Criminal Procedure relating to the period of community supervision, the reduction or termination of community supervision by a judge, the credit of time served on community supervision against any term of confinement a defendant is sentenced to serve, and the establishment of a prison diversion program.

The change in law would apply only to a defendant who is originally placed on community supervision on or after September 1, 2005.

Methodology

The bill would lower the maximum period of community supervision from ten years to five years, except in certain circumstances. The bill would also eliminate the requirement that defendants complete one-third of the original community supervision period or two years, whichever is less,

allowing the judge to reduce or terminate the period of community supervision.

It is assumed that no fiscal impact would be realized in the first two years of implementation. It would take more than five years for the full reduction in community supervision population to be achieved since this proposal would only apply to offenders placed on community supervision on or after September 1, 2005. The impact from this analysis would be realized by the reduction in the maximum period of community supervision from ten years to five years. The provision of the bill eliminating the requirement that defendants complete one-third of the original community supervision period, or two years, whichever is less, could further add to savings from the bill depending on the extent to which the provision would be applied by judges; however, it is not included in this analysis. The Texas Department of Criminal Justice (TDCJ) has stated that the provision requiring the establishment of a pilot program that provides grants to selected departments for the implementation of a system of progressive sanctions designed to reduce revocation rates could be implemented with current resources and would have no significant fiscal impact on the State.

In order to estimate the future impact of the proposal, the changes proposed for admission and release policy are applied in simulation models, to estimate (1) the decrease in the number of people on community supervision resulting from the proposed reduction in maximum periods of community supervision, (2) decreased prison admissions due to fewer probation revocations, and (3) the credit of time served on community supervision against any term or confinement a defendant is sentenced to serve.

Costs of incarceration by the TDCJ are estimated on the basis of \$40 per inmate per day for prison facilities, reflecting approximate costs of either operating prison facilities or contracting with other entities.

After five years of cumulative impact, fiscal implications will continue as long as the provisions of the bill are implemented.

Local Government Impact

Local governments would experience a decrease in revenue through lowered court costs and lowered probation fees to community supervision and corrections departments. The impact to individual localities would vary considerably due to court costs, probation fees, and supervision costs which vary by locality.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, KJG, VDS, GG