

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 5, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB541** by Martinez Fischer (Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or mandatory supervision.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB541, As Introduced: a negative impact of (\$36,087,814) through the biennium ending August 31, 2009.
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**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	(\$18,043,907)
2009	(\$18,043,907)
2010	(\$18,043,907)
2011	(\$18,043,907)
2012	(\$18,043,907)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1</b>	<b>Change in Number of State Employees from FY 2007</b>
2008	(\$18,043,907)	191.0
2009	(\$18,043,907)	191.0
2010	(\$18,043,907)	191.0
2011	(\$18,043,907)	191.0
2012	(\$18,043,907)	191.0

**Fiscal Analysis**

The bill would amend the Government Code by providing that the county magistrate may release on bond a person on parole supervision or mandatory release supervision who is arrested for a technical violation on a Texas Department of Criminal Justice (TDCJ) Parole Division pre-revocation warrant. Release on bond would apply provided the person has no prior convictions for certain offenses listed in the Penal Code and the Family Code. The bill would change the deadline for the hearing process for a person on release supervision arrested under a warrant for technical violations only, from 41 days to 10 days after arrest on the warrant. The bill would also require TDCJ to house offenders in a correctional facility operated by the department or under contract with the department if the offender is within 50 miles from the facility.

**Methodology**

TDCJ estimates that in order to meet the mandated deadlines of the hearing process as proposed by the bill, the Parole Division would need an additional 100 employees, and equipment, at a yearly cost of \$5,307,280 (total includes 28.29% for benefits). TDCJ also estimates that the Board of Pardons and Paroles would require an additional 91 employees, and equipment, to ensure that they could meet the proposed deadlines, at a yearly cost of \$5,436,627 (total includes 28.29% for benefits).

TDCJ estimates that the provision of the bill requiring TDCJ to house offenders awaiting a revocation hearing would result in an annual cost of \$7,300,000, based on approximately 500 offenders, at any given time, awaiting a hearing (500 offenders X \$40 cost per day X 365 days = \$7,300,000). As for the requirement that TDCJ house offenders in a correctional facility if the offender is within 50 miles from a facility operated or under contract with TDCJ, since most urban areas are within 50 miles of a TDCJ facility, TDCJ assumes that the provision would apply to most offenders.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG, KJG