

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 19, 2007

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

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

**IN RE: HB3200** by Madden (Relating to the computation of certain funding for community supervision and corrections departments. ) ,**Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3200, Committee Report 1st House, Substituted: a negative impact of (\$21,432,144) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$9,995,592)
2009	(\$11,436,552)
2010	(\$11,436,552)
2011	(\$11,436,552)
2012	(\$11,436,552)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2008	(\$9,995,592)
2009	(\$11,436,552)
2010	(\$11,436,552)
2011	(\$11,436,552)
2012	(\$11,436,552)

Fiscal Analysis

The bill would amend the Government Code by establishing a new funding formula for basic supervision probation for the community justice assistance division (CJAD) of the Texas Department of Criminal Justice (TDCJ). The bill would provide for funding mechanisms for funding calculated at placements for felony probationers (as opposed to funding direct felony probationers), funding for felons being supervised in pre-trial diversions programs, misdemeanor funding for 182 days of supervision (limited to \$.70 per day), and funding for community correction programs calculated as current policy allows. The bill further specifies that in establishing the new funding formula, the CJAD would include the following weights which only apply to felony probationers:

- 1) higher per capita rates for those defendants supervised by a department who were serving the early years of a term of community supervision than for those defendants who were serving the end of the term of community supervision;
- 2) penalties in per capital funding with respect to each defendant supervised by a department whose community supervision is revoked due to a technical violation of an applicable condition of community supervision; and

- 3) awards in per capita funding with respect to each felony defendant supervised by a department who was discharged following an early termination of community supervision.

Finally, the bill would authorize the Texas Board of Criminal Justice to adopt a policy limiting the percentage of benefit or loss a department could realize as a result of the operation of the per capita funding formula established under this measure.

## **Methodology**

The fiscal impact on the funding allocation to the community supervision and corrections departments (CSCDs) is estimated to be approximately \$10.0 million in fiscal year 2008 and approximately \$11.4 million in fiscal year 2009. This calculation includes the amount of funding necessary to protect CSCDs from potential financial losses as a result of the bill (\$4.2 million in each fiscal year), and to account for the projected loss of offender fees, \$5.8 million in fiscal year 2008 and \$7.2 million in fiscal year 2009.

## **Local Government Impact**

Funding to individual community supervision and corrections departments would depend on the formula developed by the division. The funding formula impacts local community supervision and corrections departments (CSCDs) diversely because of different sentencing patterns, crime patterns, demographics, and different types of offenders on probation.

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

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