

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 2, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1630 by Whitmire (relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1630, Committee Report 1st House, Substituted: a negative impact of (\$1,054,500) through the biennium ending August 31, 2017.

Additional costs potentially associated with increased demand on probation programming are not included in this analysis and could be significant. Any realized costs could partially offset estimated incarceration savings.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$560,500)
2017	(\$494,000)
2018	\$3,776,176
2019	\$19,590,714
2020	\$20,554,713

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable Savings from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2015
2016	(\$560,500)	\$0	7.0
2017	(\$494,000)	\$0	7.0
2018	\$0	\$3,776,176	7.0
2019	\$0	\$19,590,714	7.0
2020	\$0	\$20,554,713	7.0

Fiscal Analysis

The bill would amend various codes as they relate to the commitment of youth to the Texas Juvenile Justice Department (TJJD). Under the provisions of the bill, commitment of youth to TJJD would be limited to determinate sentenced youth unless the court finds that the youth has behavioral health or other special needs that cannot be addressed within the youth's home community. The bill would require TJJD to adopt a regionalization plan for keeping adjudicated youth within their home regions, and identify available post-adjudication facility capacity. TJJD would be required to establish a new division to administer the regionalization plan and monitor program quality and accountability. The bill would require TJJD to utilize case review strategies to identify youth presently in TJJD facilities who could be safely and appropriately transferred to alternative local placements, halfway houses, or parole. TJJD would be required to reimburse counties for placement of youth in regional programs at a rate that offers a savings to the state. The bill would require the Office of the Independent Ombudsman (OIO) associated with TJJD to assess the rights of youth at post-adjudication facilities.

The bill would take effect September 1, 2015. However, the provisions of the bill restricting commitment of youth to TJJD facilities only includes conduct that occurs on or after September 1, 2017.

Methodology

This analysis assumes that establishment of the new TJJD division and implementation of the regionalization plan would result in no additional costs or full-time equivalent positions (FTEs), as the bill requires redirection of staff and funding to administer the regionalization plan. It is also assumed that any costs associated with training existing staff could be absorbed within the agency's existing resources. Probation oversight and program quality monitoring are assumed to be a continuation of existing agency functions required by Human Resources Code, Title 12.

Transferring youth out of state residential facilities will result in decreased demands for capacity and would result in cost savings. However, whether the cost savings would be significant cannot be determined due to the lack of criteria on how eligible youth would be identified.

In fiscal year 2014, 715 youth received an indeterminate sentence and were committed to TJJD state residential facilities. Based on an analysis of risk assessment data, 17 percent would no longer be eligible for commitment and subsequent placement on juvenile parole. It is assumed that these youth would instead be placed on juvenile probation. Applying these figures to the projected juvenile correctional population in fiscal year 2018, and assuming sentencing patterns not addressed in the bill remain constant, the number of indeterminate sentenced youth without special needs that would likely be diverted from TJJD is 69 in fiscal year 2018 and 88 per year for fiscal years 2019 and 2020. TJJD estimates that the expanded duties of the OIO would result in seven FTEs and associated costs of salaries, vehicles, travel, technology, and other operating expenses. The estimated impact of the bill would be a cost of \$560,500 in fiscal year 2016 and \$494,000 in fiscal year 2017 (related to OIO provisions), a net savings of \$3.8 million in fiscal year 2018, a net savings of \$19.6 million in fiscal year 2019, and a net savings of \$20.6 million in fiscal year 2020. TJJD residential savings are based on the cost of \$437.11 per day per youth, parole savings are based on \$31.93 per day per youth, and local supervision costs are based on \$5.40 per day per youth.

This analysis does not include potentially significant costs associated with probation programming such as mental health, substance abuse, or other specialized services, including placement in local residential post-adjudication facilities. Additional costs potentially associated

with increased demand on probation programming are not included in this analysis and could be significant. Any realized costs could partially offset estimated incarceration savings.

The Office of Court Administration is not expected to experience a significant fiscal impact as the result of implementing the provisions of the bill.

Technology

The technology costs associated with the seven FTEs for the OIO is estimated to be \$22,000, for computers, electronic accessories, mobile phones, and phone plans.

Local Government Impact

There would be costs to county Juvenile Probation Departments for additional staff, facilities, placement, and transportation. Jefferson County Juvenile Probation Department reported a total cost of \$884,000 for fiscal year (FY) 2016 and 2017. Tom Green County Juvenile Probation Department reported a cost of \$675,640 for FY 2016 and \$365,640 in FY 2017. Coke County Juvenile Probation Department reported a total cost of \$63,800 per year. Nueces County Juvenile Probation Department reported an average cost of \$595,996 per year. There may also be revenue gained from detention contracts, but it is not anticipated to be significant.

El Paso County reported that the bill may have a significant fiscal impact but an estimate could not be provided this time.

Harris County reported that the bill would not have a significant fiscal impact to the county.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

LBB Staff: UP, JPo, KJo, AI, RCa, SD, KVe