

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 18, 2003

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB61 by Wise (Relating to the eligibility of certain defendants charged with or convicted of sexual offenses against children for release on community supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB61, As Introduced: a negative impact of (\$6,649,147) through the biennium ending August 31, 2005.

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
2004	(\$1,662,287)
2005	(\$4,986,860)
2006	(\$8,311,433)
2007	(\$11,636,007)
2008	(\$14,960,580)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$1,662,287)
2005	(\$4,986,860)
2006	(\$8,311,433)
2007	(\$11,636,007)
2008	(\$14,960,580)

Fiscal Analysis

The bill would amend the Code of Criminal Procedure by prohibiting the placement on community supervision of a defendant who commits certain sexual offenses, if the victim of the offense was younger than 17 years of age and suffered serious bodily injury or death as a result of the offense. The bill would also prohibit placement on community supervision of a defendant who commits certain sexual offenses if the victim of the offense was younger than 12 years of age, unless the court determines that it is in the best interest of the victim that the defendant not be imprisoned.

The change in law would apply only to an offense committed on or after September 1, 2003.

After 5 years of cumulative impact, the additional demand for prison beds from this bill would reach 1,062, assuming that the number of offenders sentenced for these offenses would not change in the

future. At \$40 per day, the annual cost of either operating facilities or contracting with other entities for 1,062 inmates is approximately \$15.5 million.

Methodology

According to information from the Criminal Justice Policy Council (CJPC), 1,556 sex offenders were placed on probation during fiscal year 2002 for the sexual offenses listed in this bill. Of the 1,556 sex offenders placed on probation in fiscal year 2002, 236 committed their offense against a victim younger than 17 years of age, with the victim suffering serious bodily injury or death.

In order to estimate the future impact of the proposal, the changes proposed for admission and release policy are applied in a simulation model, to (1) prison admissions that reflect the distribution of offenses, sentence lengths, and time served, and (2) the decrease in the number of people on community supervision, due to the decreased number of sex offenders placed on community supervision during the time period of the fiscal impact. Included in the estimated costs are projected community supervision operating savings.

Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day for prison facilities, reflecting approximate costs of either operating facilities or contracting with other entities. No costs are included for prison construction. Options available to address the increased demand for prison capacity that would result from implementation of this bill include construction of new prisons and contracting with counties or private entities.

Local Government Impact

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

Source Agencies: 410 Criminal Justice Policy Council, 696 Department Of Criminal Justice

LBB Staff: JK, JO, WK, VDS, GG