

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 17, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB754 by Luna (Relating to the satisfaction by certain defendants of a condition of community supervision requiring the defendant to perform community service.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would authorize a judge to permit a defendant classified as low risk to substitute for community service otherwise required, making one or more payments in the amount of \$50 each to any governmental entity that administers community service in the state. A defendant would be considered to have served one day in jail or to have performed eight hours of community service for each \$50 paid. The bill would take effect September 1, 2003 and would apply to a defendant required to perform community service before, on, or after the effective date.

Under existing statute, community service is allowed in lieu of confinement in county jail when confinement is either the sentence not imposed by a jury or confinement is a condition of community supervision. Currently, eight hours of community service can be substituted for one day in jail. Community service work is performed for a governmental entity or certain nonprofit organizations, providing services and completing projects that the governmental entity or nonprofit organization might not otherwise have funding to achieve.

According to the community justice assistance division of the Texas Department of Criminal Justice, the number of defendants statewide that performed community service work as a condition of community supervision, whether in lieu of jail time or strictly as a condition of community supervision, in fiscal year 2002 was 206,331. Those defendants worked collectively more than 9.43 million hours (an average of 46 hours service per defendant). Information on the number of defendants that performed community service work in lieu of jail time when jail time was the sentence or was a condition of community supervision was not available.

Assuming 10 percent of the persons on community supervision that performed community service work were doing so in lieu of jail time (20,633) and assuming the unreported number of persons that performed community service in lieu of a jail sentence may have been about one-fourth of the assumed 20,633, there would have been 25,791 (20,633 + 5,158) defendants performing community service work in lieu of jail time in fiscal year 2002. Using the average of 46 hours per defendant, there would have been almost 1.19 million hours performed by the group working in lieu of jail time.

If 10 percent of those defendants (2,579) were able to pay for five days of community service work, which would be \$250 per defendant, the governmental entities or nonprofit organizations cumulatively statewide for which the work would have been performed would have received \$644,750 (2,579 defendants X \$250).

Using the above assumptions, county jails statewide would have had cumulatively 2,579 fewer defendants in custody for five days each (12,895 bed days), for a savings statewide of approximately \$515,800 (multiplying 12,895 bed days times \$40 average cost per day for custody in county jail). The cost per day for custody in county jail is based on the average cost per day reported by the Criminal

Justice Policy Council for county beds contracted for use by the Texas Department of Criminal Justice
-- actual average cost for county jail beds per day may be slightly lower.

Local Government Impact

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

Source Agencies:

LBB Staff: JK, WK, JB, DLBa