

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 31, 2003

TO: Honorable Ray Allen, Chair, House Committee on Corrections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2624 by Haggerty (Relating to early release from community supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2624, As Introduced: a positive impact of \$46,543,243 through the biennium ending August 31, 2005.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$13,207,846
2005	\$33,335,397
2006	\$44,399,012
2007	\$51,948,630
2008	\$57,915,018

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND
1	
2004	\$13,207,846
2005	\$33,335,397
2006	\$44,399,012
2007	\$51,948,630
2008	\$57,915,018

Fiscal Analysis

The bill would amend the Code of Criminal Procedure by requiring judges to dismiss the proceedings and discharge a defendant from community supervision when the defendant has successfully completed one-third or two years of the defendant's sentence, whichever is less. The bill would not apply to state jail felons, sex offenders requiring registration, and DWI offenders.

The change in law would apply on or after September 1, 2003.

Methodology

According to information from the Criminal Justice Policy Council (CJPC), the early discharge from community supervision of defendants proposed in this bill would result in a reduced community supervision population of about 30,200 following implementation. Also according to the CJPC, the early discharge from community supervision would result in a decrease of approximately 1,000

revocations per year to prison.

It is assumed that it would take approximately one year for the full reduction in community supervision population to be achieved due to implementation challenges associated with the large number of offenders eligible for early discharge.

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

For the purpose of calculating cost savings due to the decrease in community supervision revocations to prison, 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 state facilities or contracting with other entities. Included in the estimated costs are projected community supervision operating savings.

After five years of cumulative impact, fiscal implications will continue as long as the provisions of the bill are implemented.

Local Government Impact

Local governments would experience a decrease in revenue through lowered court costs and lowered probation fees to community supervision and corrections departments. To a certain degree the decrease in revenue to local governments would be offset by a decrease in supervision costs. Court costs, probation fees, and supervision costs vary by locality but it is likely that local government entities would experience a net loss from the provisions of this bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

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