

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 22, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB921** by Whitmire (Relating to the authority of a judge to reduce or terminate the community supervision of a defendant convicted of an offense punishable as a state jail felony.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB921, Committee Report 2nd House, Substituted: a positive impact of \$1,757,520 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	\$0
2005	\$1,757,520
2006	\$20,360,324
2007	\$45,383,594
2008	\$58,278,371

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	\$0
2005	\$1,757,520
2006	\$20,360,324
2007	\$45,383,594
2008	\$58,278,371

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 of the original period of community supervision imposed, unless in the judge's opinion the best interest of society and the defendant will be served if the defendant remains under supervision. The bill would apply to state jail felons, but would not apply to sex offenders requiring registration and driving while intoxicated offenders. For offenders released early from community supervision a one-time supervision termination fee of \$500 would be required upon successful completion of one-third of the original period of community supervision.

The change in law would apply only to a defendant who is originally placed on community supervision 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 47,100 following implementation. Also according to the CJPC, the early discharge from community supervision would result in a decrease of approximately 1,700 revocations per year to prison.

It is assumed that it will take approximately three years for the full reduction in supervision population to be achieved due to the fact that this proposal would only apply to offenders placed on probation on or after September 1, 2003.

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. However, the requirement of a one-time supervision termination fee of \$500 would help to offset the decrease in revenue through lowered court costs and lowered probation fees. The Criminal Justice Policy Council estimates that 47,100 probationers would eventually be discharged due to the provisions of the bill. At \$500 per supervision termination fee, 47,100 discharges would have the potential for \$23.6 million dollars in statewide revenue for local government. The impact to individual localities would vary considerably due to court costs, probation fees, and supervision costs which vary by locality.

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

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