

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 29, 2003

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1054 by Shapleigh (Relating to presentence investigation and postsentence treatment and supervision of certain sex offenders.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure with regards to presentence investigations and postsentence treatment and supervision of certain sex offenders. The bill would specify conditions for which sex offenders, as defined by the bill, would receive treatment, specialized supervision, or rehabilitation according to offense-specific standards of practice adopted by the Council on Sex Offender Treatment. On a finding that the defendant is able to make payment, the judge shall require the defendant to pay all or part of the costs of the treatment, supervision, or rehabilitation. The Texas Department of Criminal Justice anticipates no fiscal impact from these provisions of the bill.

The bill would also amend the Government Code and the Code of Criminal Procedure requiring certain sex offenders released on community supervision, parole, or mandatory supervision to not go in, or within 1,000 feet of premises where children commonly gather. The bill would also specify certain conditions in which the 1,000 feet of premises prohibition would not apply. The Texas Department of Criminal Justice has determined that the cost of implementing these provisions of the bill would not be significant unless it has an impact on the availability of contracted vendors for sex offender placement.

Local Government Impact

The Texas Probation Association reported that if the defendant is able to pay for the costs of the additional testing, supervision, and rehabilitation required by the provisions of the bill, there would be no significant fiscal implication to community supervision and corrections departments (CSCDs). There may be a fiscal impact on CSCDs if the defendant was unable to pay and the sentencing judge still requires the treatments.

The Williamson County CSCD reported that in some cases, presentence investigations and postsentence treatment and supervision for certain sexual offenders are already being performed in their jurisdiction.

San Patricio County CSCD reported that there are no funds available in their department to cover the costs of presentencing assessment if the defendant is unable to pay; funds would have to be diverted from other areas to cover the costs. The additional cost per eligible defendant is estimated at \$200 to \$600.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JK, WK, GG, KG