

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION
Revision 1

April 3, 2005

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB575 by Haggerty (Relating to the operation of community supervision and corrections departments and to the early release of a defendant from community supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB575, As Introduced: a positive impact of \$3,925,711 through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$16,192
2007	\$3,909,519
2008	\$15,229,263
2009	\$27,819,928
2010	\$36,675,804

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	\$16,192
2007	\$3,909,519
2008	\$15,229,263
2009	\$27,819,928
2010	\$36,675,804

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 their term unless in the judge's opinion the best interests of society and the defendant will be served if the defendant remains under supervision. The bill would not apply to defendants charged with misdemeanors, certain intoxication offenses, or offenses requiring defendants to register as sex offenders.

The change in law would apply only to a defendant who is originally placed on community supervision on or after September 1, 2005.

Methodology

The early discharge from community supervision of defendants proposed in this bill would result in a reduced community supervision population of 25,564 five years after implementation. The early discharge from community supervision would also result in decreased revocations to prison and state jail.

It is assumed that a small fiscal impact would be realized in the first year of implementation and it would take more than five years for the full reduction in community supervision population to be achieved due to fact that this proposal would only apply to offenders placed on community supervision on or after September 1, 2005, and the maximum term of probation for a felony offender is ten years.

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 and state jail admissions that reflect the distribution of offenses, sentence lengths, and time served. Included in the estimated costs savings is projected community supervision operating costs.

Costs of incarceration by the Texas 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. No costs are included for prison or state jail 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.

The bill states the amount of per capita funding a department receives from the comptroller may not be less than the department receives during fiscal years 2006 and 2007. In this analysis it is assumed that the per capita funding would remain the same but the total amount of funding would be reduced due to the decrease in the future number of individuals on supervision. 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 partially offset the decrease in revenue through lowered court costs and lowered probation fees. It is estimated that in fiscal years 2006 through 2010, 28,000 probationers would eventually be discharged under the provisions of the bill. At \$500 per supervision termination fee, 28,000 discharges would have the potential for \$14 million 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: 696 Department of Criminal Justice, 212 Office of Court Administration, Texas Judicial Council

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