

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 20, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: HB1575 by Dutton (Relating to juvenile delinquency; providing a criminal penalty.),
Committee Report 2nd House, As Amended

Estimated Two-year Net Impact to General Revenue Related Funds for HB1575, Committee Report 2nd House, As Amended: a positive impact of \$321,966 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 | \$160,983 |
| 2007 | \$160,983 |
| 2008 | \$160,983 |
| 2009 | \$160,983 |
| 2010 | \$160,983 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from GENERAL REVENUE FUND 1 |
|--------------------|--|
| 2006 | \$160,983 |
| 2007 | \$160,983 |
| 2008 | \$160,983 |
| 2009 | \$160,983 |
| 2010 | \$160,983 |

Fiscal Analysis

The bill would amend the Family Code, Human Resources Code, Code of Criminal Procedure, Penal Code, Education Code, Alcoholic Beverage Code, and Transportation Code regarding the handling of cases in the juvenile justice system and the operations of juvenile programs. The bill would amend requirements related to the transfer of probation supervision between counties for interim and permanent supervision and the inter-county transfer of supervision of youth on juvenile probation who move away from the county where they were adjudicated. The bill would amend juvenile court provisions to provide for the funding and employment of juvenile case managers for justice and municipal courts. In addition, the bill would make it a third degree felony to provide or attempt to provide controlled substances and other contraband items to youth in secure juvenile correctional or detention facilities.

The bill would amend provisions related to the screening and referral of youth with mental illness to mental health authorities and provide restricted access to the Texas Juvenile Probation Commission's statistical and research information. Section 41 of the bill would amend the Human Resources Code,

Section 61.081, by adding subsection (i) to allow the Texas Youth Commission to release youths with determinate sentences on parole without approval of the juvenile court if no more than 9 months remain on the youth's sentence.

Methodology

The Texas Youth Commission assumes that Section 41 would result in the early release of youth on parole. The agency estimates that the total residential average daily population would drop by 5 youths and the parole average daily population would increase by 5 youths each year. To determine the net cost savings per youth per day, the contract care cost per youth per day (\$96.35) is subtracted from the parole cost per youth per day (\$8.14) to give an estimated cost savings of \$88.21 per youth per day.

The annual estimated cost savings equals \$160,983 (an average of 5 youth per year X \$88.21 in estimated cost savings per youth per day X 365 days).

Local Government Impact

Costs to local mental health authorities and health care providers to implement Sections 7 and 8 of the bill would depend upon the number of juvenile probationers that are determined to have mental retardation, a mental illness, or the need for a physical examination by a licensed physician.

If Section 14 of the bill is implemented, counties and local mental health authorities will see more costs associated with reassessing juvenile probationers before the completion of the terms. Harris County currently spends \$250 to \$500 per mental health assessment. Ector County assessed 80 juveniles with mental illness at an average cost of \$250 per assessment, but does not currently reassess them before release. Brooks County does not currently reassess these juveniles, and would incur some additional cost. For fiscal year 2004, Brooks County had three juvenile offenders with assessed mental illness.

It is assumed that a county or a justice court would employ juvenile case managers (Section 34) only if the funds are available. Revenues to a county or municipality that creates a juvenile case manager fund (Section 35) would depend on the number of offenders that are assessed the juvenile case manager fee, the amount of the fine set by the county or municipality (not to exceed \$5), and the number of offenders that are able to pay. Revenues are not expected to be significant to the county or municipality's overall budget.

Source Agencies: 665 Juvenile Probation Commission, 694 Youth Commission

LBB Staff: JOB, LB, VDS, LG, KJG