

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 30, 2005

**TO:** Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB1593** by Driver (Relating to the punishment for the offense of criminal conspiracy to manufacture certain controlled substances.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1593, As Introduced: a negative impact of (\$6,101,828) through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$647,684)
2007	(\$5,454,144)
2008	(\$11,320,748)
2009	(\$16,592,487)
2010	(\$21,590,686)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$647,684)
2007	(\$5,454,144)
2008	(\$11,320,748)
2009	(\$16,592,487)
2010	(\$21,590,686)

Fiscal Analysis

The bill would amend the Penal Code by enhancing the punishment for the offense of Criminal Conspiracy if the object of conspiracy is the manufacture or delivery of a substance in Penalty Group 1 as defined in the Controlled Substances Act of the Health and Safety Code. The bill would enhance conspiracy to manufacture or deliver a substance in Penalty Group 1 to the same level as the felony that is the object of the conspiracy.

Methodology

For fiscal year 2004, there were 11,092 state jail, 3,386 third degree and 2,951 second degree level admissions to TDCJ for Penalty Group 1 related offenses. Based on historically known criminal conspiracy offenses, it is assumed that 665 (6 percent) of the state jail offenders, 170 (5 percent) of the

third degree level offenders, and 30 (1 percent) of the second degree level offenders would have received a criminal conspiracy conviction and would have their sentences enhanced as required by the bill.

In order to estimate the future impact of the proposal, the changes proposed in the bill are applied in a simulation model using the estimated number of felony admissions identified in the bill, reflecting the distribution of offenses, sentence lengths, and time served for those offenders. Included in the estimated costs are projected parole supervision operating costs.

Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day, reflecting approximate costs of either operating facilities or contracting with other entities. No costs are included for prison construction. Options available to address the increased demand for prison capacity that would result from implementation of this bill include construction of new facilities and contracting with counties or private entities for additional capacity.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

### **Source Agencies:**

**LBB Staff:** JOB, KJG, VDS, GG, BT