

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 30, 2005

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

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

IN RE: HB1661 by Martinez Fischer (Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or mandatory supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1661, As Introduced: a negative impact of (\$21,723,840) 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	(\$10,861,920)
2007	(\$10,861,920)
2008	(\$10,861,920)
2009	(\$10,861,920)
2010	(\$10,861,920)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2005
2006	(\$10,861,920)	170.0
2007	(\$10,861,920)	170.0
2008	(\$10,861,920)	170.0
2009	(\$10,861,920)	170.0
2010	(\$10,861,920)	170.0

Fiscal Analysis

The bill would amend the Government Code to allow county magistrates to release on bond certain parolees confined on administrative parole violations pending a revocation hearing. The bill changes the parole hearing deadline from 41 days to 14 days following execution of an administrative parole violation warrant. Under the provisions of the bill, the state would be required to reimburse the county for confinement and medical expenses for each day the inmate remains in county jail following the parole hearing deadline for administrative violations. The bill would take effect September 1, 2005.

Methodology

To provide parole hearings within 14 days would require the Texas Department of Criminal Justice (TDCJ) to employ an additional 170 full-time equivalent positions for a cost of \$8,675,841, including benefits. Of the 170 new full-time positions, the Parole Division would need 101 and the Board of Pardons and Paroles would need 69.

The annual cost for reimbursing counties for parolee confinement past the parole hearing deadline is estimated to be \$2,186,079. This amount is calculated by multiplying the number of parolees revoked on administrative parole violations in fiscal year 2004, which was 2,539, by the average number of days a felon remains in county jail after becoming "paper ready" for transfer to TDCJ, which is 21 days, by the average cost of confinement and medical care in a Texas county jail, which is estimated to be \$41 per day. The Texas Commission on Jail Standards estimates the average cost of confinement at \$36 per day. Medical expenses are estimated to be \$5 per person per day.

Local Government Impact

If the state were to remove from county jail those persons applicable under the provisions of the bill by the end of 14 days, the counties would experience a savings by reducing the number of persons confined and provided medical care. If, however, the state does not meet the 14-day deadline, counties would experience a revenue gain to offset their costs of confining a person and meeting medical needs of those confinees. It is anticipated that administrative costs incurred for reporting to the comptroller the certified number of applicable persons confined could be absorbed using the county's existing resources.

Based on the number of administrative parole revocations reported by TDCJ, the estimated number of days that revoked parolees remain in county jail, and the \$41 average per person per day cost for confinement and medical care in a county jail, the estimated aggregate revenue gain to the counties would be equivalent to the estimated cost to the state of \$2,186,079.

Source Agencies: 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

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