

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 19, 2005

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

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

IN RE: HB1896 by Hodge (Relating to the application of laws awarding credit to an inmate for time between release on and subsequent revocation of parole, mandatory supervision, or conditional pardon.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1896, As Engrossed: a positive impact of \$7,484,616 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	\$5,684,108
2007	\$1,800,508
2008	\$1,800,508
2009	\$1,800,508
2010	\$1,800,508

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	\$5,684,108
2007	\$1,800,508
2008	\$1,800,508
2009	\$1,800,508
2010	\$1,800,508

Fiscal Analysis

The bill would retroactively apply changes made to Section 508.283, Government Code, by the 77th Legislature related to awarding credit to an inmate for time between release and the subsequent revocation of parole, mandatory supervision, or conditional pardon. The bill would require a review of all parole, mandatory supervision, or conditional pardon revocation cases that occurred prior to September 1, 2001 to determine whether an individual revoked would be eligible to receive credit for a portion of the time served on parole prior to revocation.

Methodology

The actual number of inmates incarcerated by the Texas Department of Criminal Justice (TDCJ) and the number of offenders on parole supervision that would be eligible to receive credit for a portion of the time served on parole prior to revocation is not known. TDCJ records can identify the number of

inmates, and offenders on parole supervision, with revocations prior to September 1, 2001, but a sample was necessary to determine the number of applicable offenders that would meet the necessary requirements for allowing credit for time served on parole prior to revocation. Of the inmate files reviewed by TDCJ, it was determined that 1.61 percent of inmates would meet the requirements of the bill and be discharged if the legislation was passed. Applying 1.61 percent to the 16,534 inmates in prison with revocations prior to September 1, 2001, it is estimated that 266 prison offenders would receive a discharged sentence. For the purpose of this analysis, it is assumed that the inmates will be released from prison one year early due to the provisions of the bill. Costs savings to TDCJ are estimated on the basis of \$40 per inmate per day, reflecting approximate costs of either operating facilities or contracting with other entities. The cost savings for prison offenders is estimated for fiscal year 2006 at \$3,883,600 (266 inmates x 365 days x \$40.00 per day).

Of the parole supervision files reviewed, it was determined that 5.42 percent, or 1,566, of the 28,902 offenders on parole supervision with revocations prior to September 1, 2001 would be discharged from parole supervision. Cost savings from parole supervision are estimated at \$3.15 per offender per day. The cost savings for parole supervision for each year of the analysis is estimated at \$1,800,508 (1,566 offenders X 365 days X \$3.15 per day). It is assumed that parole savings would continue for each year of this analysis due to the length of time served by offenders on parole supervision.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, KJG, VDS, GG