

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 1, 2005**

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

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

**IN RE: HB1920** by Allen, Ray (Relating to the imposition of sanctions on defendants who violate conditions of community supervision.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ) to propose to the Board of Criminal Justice (and for the board to adopt) reasonable rules establishing minimum standards for a system of progressive sanctions for defendants who violate conditions of community supervision. The bill identifies minimum criteria to be included in the rules. The bill would also require each community supervision and corrections department's (CSCD) community justice plan to include a commitment to meet or exceed the minimum standards established by CJAD for a system of progressive sanctions. The community justice plan must also include the CSCD's system of sanctions to be used by judges, magistrates, and supervision officers for defendants who violate conditions of community supervision.

CJAD must propose and the Board of Criminal Justice must adopt minimum sanction standards no later than January 1, 2006. A community justice council for a CSCD must submit a revised community justice plan that reflects provisions of the bill to CJAD by June 1, 2006. The bill would take effect September 1, 2005.

TDCJ estimates that the administrative requirements of the bill for both CJAD and the board could be absorbed using existing resources. The agency could experience a reduction in the number of prison beds utilized for defendants whose community supervision is revoked, depending on the number of offenders who violate conditions of community supervision and the extent to which judges, supervision officers, and magistrates comply with the system of sanctions. For example, decreasing the 9.1 percent technical revocation rate in fiscal year 2004 by 1 percent would have resulted in 1,572 less technical probation revocations to prison. At \$40 per day, a 1 percent reduction in technical probation revocations to prison would have resulted in a reduced prison population, saving approximately \$12.4 million in fiscal year 2004. As a historical comparison, the technical revocation rate for probationers was 7.5 percent in fiscal year 2000.

**Local Government Impact**

The CSCDs may experience an increase in the number of persons retained on community supervision as a result of implementing progressive sanctions that would avoid or delay possible revocation.

**Source Agencies:** 696 Department of Criminal Justice

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