

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: HB2036 by Allen, Ray (Relating to the regulation of sex offender treatment providers and the treatment of sex offenders; providing a penalty.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2036, As Introduced: a negative impact of (\$1,490,800) 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	(\$745,400)
2007	(\$745,400)
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1
2006	(\$745,400)
2007	(\$745,400)
2008	\$0
2009	\$0
2010	\$0

Fiscal Analysis

The bill would amend the Occupations Code to establish the Adult Forensic Assessment Pilot Program. The pilot program would require presentencing assessments and psychosexual history polygraphs of sex offenders who would be treated in municipalities with populations of 1,150,000 or more. The pilot program would expire September 1, 2007. The bill would take effect September 1, 2005.

Methodology

The total annual cost of the bill in fiscal years 2006 and 2007 is estimated to be \$745,400. Because the pilot program expires September 1, 2007, there would be no fiscal impact for fiscal years 2007-2010.

The bill does not state whether local government or the state is responsible for costs associated with the pilot program. This analysis assumes the cost would be paid either by the Department of State Health Services or the Community Justice Assistance Division of the Texas Department of Criminal Justice.

The annual cost of the presentencing assessments is estimated to be \$627,000. The assessment total is calculated by multiplying the estimated number of defendants facing sentences for sex offenses in cities of the required size by the estimated cost of the assessment. Because the presentencing assessment must be done before sentencing, there is no method of determining whether the offender would be treated in the community. Therefore, this fiscal note assumes that all sex offenders facing sentencing in cities with populations of at least 1,150,000 will require the presentencing assessment. In fiscal year 2004, it is estimated that there were 627 defendants facing sentencing for sex offenses in cities with populations of at least 1,150,000. The estimated cost of the presentencing psychosexual assessment is \$1,000 per assessment.

The annual cost for the battery of polygraph examinations is estimated to be \$118,400. The polygraph total is calculated by multiplying the estimated number of offenders sentenced to probation for sex offenses in cities of the required size by the cost of the polygraphs. Because the polygraph examinations are not required until after conviction, the polygraphs would be required only of those offenders sentenced to probation for sex offenses and treated in cities with a population of at least 1,150,000. In fiscal year 2004, it is estimated that there were 148 offenders sentenced to probation for sex offenses in cities with at least 1,150,000 people. The four polygraph examinations are estimated to cost \$200 each, for a total of \$800 per offender.

Local Government Impact

No significant fiscal implication to units of local government is anticipated, unless the intent of the legislation is that local government would pay the costs associated with the pilot program.

Source Agencies: 537 Department of State Health Services, 696 Department of Criminal Justice

LBB Staff: JOB, KJG, VDS, AM, DLBa