

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

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

**April 26, 2005**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

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

**IN RE: HB2669** by Dutton (Relating to the sentencing of juveniles in juvenile court and the functions of the Texas Youth Commission.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2669, As Introduced: a positive impact of \$346,912 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	\$173,456
2007	\$173,456
2008	\$173,456
2009	\$173,456
2010	\$173,456

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2005
2006	\$173,456	(19.0)
2007	\$173,456	(19.0)
2008	\$173,456	(19.0)
2009	\$173,456	(19.0)
2010	\$173,456	(19.0)

**Fiscal Analysis**

Section 1 of the bill would amend the Family Code to require the juvenile court to specify a date in its commitment order when a youth must be discharged from the Texas Youth Commission (TYC) on or before the youth's 21st birthday. This provision does not apply to a youth sentenced to commitment with a possible transfer to the Texas Department of Criminal Justice under the determinate sentence law.

Section 2 of the bill would amend the Human Resources Code to require TYC to contract with a separate state agency to investigate allegations of abuse and neglect within the agency's institutional facilities and to require TYC to incorporate a component of cultural and linguistic competence into all staff training, policies, and program development.

## Methodology

The fiscal impact of Section 1 would depend on the discharge dates specified by the juvenile courts. This fiscal analysis assumes current youth commitment lengths would continue. To the extent that the courts specify commitment lengths shorter or longer than current lengths-of-stay, the state would experience reduced or increased commitment costs. The ability to specify discharge dates could also affect sentencing patterns. Juvenile courts may opt to sentence more defendants to commitment in TYC since they could specify a relatively short commitment length for less serious offenders. An increase in the number of commitments could result in increased costs.

There are approximately 800 juvenile court judges and alternate judges in Texas. In fiscal year 2004, there were 2,526 new commitment intakes to TYC. Of the 2,526 youths, it is estimated that 2,236 would be affected by the provisions of the bill. In fiscal year 2004, youths released from TYC that were originally received with either a sentence or adjudication for a Violent A offense (determinate sentences), served on average 43 months in TYC. All other youths released in fiscal year 2004 (indeterminate sentences) served on average 18 months in TYC. The current cost per youth per day for institutional programs is \$76.75. The bill does not provide sentencing standards or guidelines for the juvenile courts to use in place of the current TYC indeterminate sentencing option.

Section 2 of the bill would require TYC to contract with a separate state agency to investigate allegations of abuse and neglect within the agency's institutional facilities. In fiscal year 2004, TYC's inspectors general section of the office of general counsel conducted 1,460 investigations of abuse and neglect allegations. TYC estimates that 1,550 investigations will be contracted in each fiscal year.

The inspectors general section of TYC currently employs 22 inspector generals that are located in TYC facilities and regions throughout the state. The agency estimates that three inspector general positions must be retained to coordinate activities (investigation report reviews and appeals) with the new investigative agency and to monitor the implementation of the employee and youth grievance systems in TYC facilities. The estimated cost savings for the reduction of 19 FTEs is \$837,553 (\$645,563 per year for salaries and \$191,990 for benefits).

The cost estimate for contracting with a separate state agency to conduct the abuse and neglect investigations is based on the Department of Family and Protective Services average cost per investigation in fiscal year 2004 for investigations in mental health treatment facilities of the Department of State Health Services (\$428.45 per investigation). Estimated costs for contracting with a separate state agency for the abuse and neglect investigations would be \$664,097 per year (\$428.45 per investigation X 1,550 estimated investigations). The estimated cost savings per year to implement Section 2 of the bill would be \$173,456 (\$837,553 in cost savings for the reduction of 19 FTEs and \$664,097 for the cost for the separate state agency investigations). The separate state agency may need to employ additional staff to address the increased workload.

## Local Government Impact

No significant fiscal implication to units of local government is anticipated. To the extent that juvenile courts opt to sentence more defendants to commitment in TYC since they could specify a relatively short commitment length rather than placing the youth in a local residential facility, there would be a savings to local government.

**Source Agencies:** 694 Youth Commission

**LBB Staff:** JOB, LB, VDS, LG