

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 6, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB3193 by Bailey (Relating to the offense of arson and to the sentencing of that offense; providing criminal penalties.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3193, As Introduced: a negative impact of (\$1,942,417) 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	(\$286,251)
2007	(\$1,656,166)
2008	(\$3,035,155)
2009	(\$3,865,295)
2010	(\$4,265,099)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$286,251)
2007	(\$1,656,166)
2008	(\$3,035,155)
2009	(\$3,865,295)
2010	(\$4,265,099)

Fiscal Analysis

The bill would amend the Penal Code by making the offense of arson, under certain conditions, punishable as a felony of the third degree. The bill would also amend Article 42.12, Section 3g(a)(1) of the Code of Criminal Procedure by adding the offense of arson to the list of offenses for which judge-ordered community supervision does not apply. Some arson offenses would continue to be punishable as either a felony of the second degree or a felony of the first degree. The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by the Texas Constitution. If the bill does not receive the vote necessary for immediate effect, it would take effect September 1, 2005.

Methodology

According to fiscal year 2004 community supervision placement data, 128 offenders were placed on community supervision for the offense of arson. It is assumed that passage of the bill would mean that arson offenders formerly placed on community supervision would be sentenced to prison. Because Section 3g, Article 42.12, is referenced in Section 508.145 of the Government Code, this proposal could also change parole eligibility for arson offenders; however, for this analysis it is assumed that arson offenders would not be held to the parole eligibility requirements of other offenders covered by Article 42.12, Section 3g(a)(1) of the Code of Criminal Procedure.

In order to estimate the future impact of the proposal, the changes proposed in the bill are applied in a simulation model using the estimated number of felony admissions identified in the bill, reflecting the distribution of offenses, sentence lengths, and time served for those offenders. Included in the estimated costs are projected parole supervision operating costs and community supervision operating cost savings.

Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day, reflecting approximate costs of either operating facilities or contracting with other entities. No costs are included for prison construction. Options available to address the increased demand for prison capacity that would result from implementation of this bill include construction of new facilities and contracting with counties or private entities for additional capacity.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, VDS, GG