

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

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

**April 19, 2005**

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

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

**IN RE: SB1266** by Whitmire (Relating to the exercise of judicial discretion with respect to the administration of community supervision.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1266, As Introduced: an impact of \$0 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2006	\$0
2007	\$0
2008	\$133,848
2009	\$1,119,129
2010	\$4,083,550

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

<b>Fiscal Year</b>	<b>Probable Savings from GENERAL REVENUE FUND 1</b>
2006	\$0
2007	\$0
2008	\$133,848
2009	\$1,119,129
2010	\$4,083,550

**Fiscal Analysis**

The bill would amend the the Code of Criminal Procedure relating to the period of community supervision, the jurisdiction period of a court over an offender sentenced to imprisonment, conditions of community supervision, eligibility for community supervision as an alternative to imprisonment, suspension of the imposition of a sentence for certain drug offenses, reduction or termination of community supervision, and the credit of time served on community supervision towards a term of confinement an offender is sentenced to serve.

The change in law would apply only to a defendant who commits an offense on or after September 1, 2005.

## **Methodology**

The bill would lower the maximum period of community supervision from ten years to five years for judge ordered community supervision and deferred adjudication. It is assumed that no fiscal impact would be realized in the first two years of implementation. It would take more than five years for the full reduction in community supervision population to be achieved since this proposal would only apply to offenders placed on community supervision on or after September 1, 2005. The impact from this analysis would be realized by the reduction in the maximum period of community supervision from ten years to five years.

In order to estimate the future impact of the proposal, the changes proposed for admission and release policy are applied in simulation models, to estimate (1) the decrease in the number of people on community supervision resulting from the proposed reduction in maximum periods of community supervision, and (2) decreased prison admissions due to fewer probation revocations.

Costs of incarceration by the Texas Department of Criminal Justice are estimated on the basis of \$40 per inmate per day for prison facilities, reflecting approximate costs of either operating prison facilities or contracting with other entities.

After five years of cumulative impact, fiscal implications would continue as long as the provisions of the bill are implemented.

The provision of the bill eliminating the requirement that defendants complete one-third of the original community supervision period, or two years, whichever is less, could further add to savings from the bill depending on the extent to which the provision would be applied by judges; however, it is not included in this analysis. The provision of the bill allowing a judge to credit time a defendant served on community supervision towards a term of confinement a defendant is sentenced to serve could further add to savings from the bill depending on the extent to which the provision would be applied; however, savings from this provision are also not included in this analysis. Conversely, removing the requirement for mandatory probation for certain state jail offenses could offset savings depending on the extent that judges sentence offenders to additional time in state jail facilities.

## **Local Government Impact**

Under existing statute, in addition to funding received from the state for each felony offender on community supervision, the court may impose a supervision fee on the offender to help offset the costs of their supervision. Collection of the supervision fee and other fees imposed on offenders may be spread over the length of their community supervision; a shorter period of supervision could reduce the collection rate. However, if the majority of felony community supervision cases are not extended beyond the proposed maximum 5 years, there would be a reduction in the number of felony offenders under supervision, which would result in reduced costs to a community supervision and corrections department (CSCD).

While the fiscal impact would vary by CSCD, the statewide loss in revenue to CSCDs through state funding would be equivalent to the savings to the state as indicated in the table above.

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

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