

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 13, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB187 by Hochberg (Relating to prohibiting jury-recommended or deferred adjudication community supervision for a defendant convicted of murder.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB187, Committee Report 1st House, Substituted: a negative impact of (\$963,264) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$240,816)
2009	(\$722,448)
2010	(\$1,204,080)
2011	(\$1,685,712)
2012	(\$2,167,344)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2008	(\$240,816)
2009	(\$722,448)
2010	(\$1,204,080)
2011	(\$1,685,712)
2012	(\$2,167,344)

Fiscal Analysis

The bill would amend the Code of Criminal Procedure making offenders convicted of murder (Section 19.02, Penal Code) ineligible for judge-ordered or jury-recommended community supervision.

The bill would take effect September 1, 2007 and apply only to an offense committed on or after the effective date.

Methodology

For fiscal year 2006, 34 community supervision placements were convicted of the offense of murder. For this analysis, it is assumed that these defendants would be shifted from community supervision to prison as a result of the bill. In order to estimate the future impact of the bill, the changes proposed for admission and release policy are applied in a simulation model, to estimate the decrease in the number

of people on community supervision from the bill and the shift in defendants convicted of the offense of murder from community supervision placement to prison.

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. Savings from the reduced community supervision population, as a result of the bill, are also included in this analysis. After five years of cumulative impact, fiscal implications will continue as long as the provisions of the bill are implemented.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ES, LM, GG