

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 18, 2007

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

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

IN RE: HB403 by Hodge (Relating to the termination of supervision and reporting for certain releasees on parole or mandatory supervision who successfully complete a substance abuse treatment program.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code by requiring the Texas Department of Criminal Justice (TDCJ), Board of Pardons and Paroles to terminate the parole supervision or mandatory supervision of certain inmates if certain parole conditions are successfully completed. The bill includes that as a condition of release of parole or to mandatory supervision, an offender who qualifies shall successfully complete a substance abuse treatment program approved by the Department of State Health Services (DSHS). The bill includes as a condition of release of parole, a one-time nonrefundable supervision termination fee payable to the division in the amount of \$500. The Board may require a person released from supervision to resubmit to supervision and resume reporting at any time the board determines it in the best interest of the person or of the community.

Appropriate candidates for treatment, as agreed upon by DSHS and in consultation of the Board, must successfully complete a substance abuse treatment program. The program should include not less than 150 days of substance abuse treatment program care. The bill requires that DSHS, through consultation with the Board, adopt policies to ensure that the participants are appropriately assigned to a residential or outpatient program specific to the offender's needs. The DSHS is responsible for the administration and certification of residential and outpatient substance abuse treatment programs approved in this section of the Government Code. The bill further states that DSHS may charge a nonrefundable application fee for an initial and a renewal certification and shall monitor, train, and coordinate persons who provide substance abuse treatment under this section.

Savings are likely to be generated, but the amount is unknown because the data is unavailable to indicate the number of offenders who would utilize the provisions of the bill. All costs and revenue associated with implementation of the bill are assumed to begin in fiscal year 2009 when the bill becomes effective on September 1, 2008. The DSHS estimates that the implementation of the bill would cost approximately \$170,000 (2 FTEs for licensure and investigate policy violations; modifications of database to track certifications) and would cost \$152,000 (\$35 X 700 newly licensed beds + \$1200 X 40 licensure of new facilities + \$100 X 110 application/renewal facility certifications) in the subsequent years. Based on the assumption that the number of licensed beds will increase by 20 percent, DSHS estimates a possible gain to the state of \$83,500 during fiscal year 2009 for fees attributed from the non-refundable application fee for initial certification and licensure and increased revenue of \$83,500 in the subsequent years. TDCJ states the fiscal impact of the bill would depend on the number of offenders released from an in-prison therapeutic community (IPTC), or a substance abuse felony punishment facility (SAFP), or identified as an appropriate candidate for treatment and who voluntarily participates in an outpatient substance abuse treatment program. TDCJ reports that the cost of one offender participating in 150-day substance abuse residential treatment is \$5,080 (150 X \$33.87 per day). The cost for an offender participating in a 150-day outpatient substance abuse treatment is estimated at \$1,245 (150 X \$8.30 per day). The \$500 non-refundable parole termination fee would also impact TDCJ. The number of offenders on parole would decrease with this initiative depending again, on the number of offenders' successful participation in the program.

The costs associated with implementing the bill are not anticipated to be significant. If inmates successfully complete the program and do not recidivate, future inmate admissions could be reduced and additional savings could be achieved.

Local Government Impact

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

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

LBB Staff: JOB, ES, GG, SDO