

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**March 21, 2007**

**TO:** Honorable Jerry Madden, Chair, House Committee on Corrections

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

**IN RE: HB427** by Madden (Relating to the prosecution of certain crimes occurring in the Texas Youth Commission.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB427, As Introduced: a negative impact of (\$2,454,820) through the biennium ending August 31, 2009.

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)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2008        | (\$1,283,910)  |
| 2009        | (\$1,170,910)  |
| 2010        | (\$1,170,910)  |
| 2011        | (\$1,170,910)  |
| 2012        | (\$1,170,910)  |

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

| Fiscal Year | Probable Revenue Gain/(Loss) from<br><i>GENERAL REVENUE FUND</i><br>1 | Change in Number of State Employees<br>from FY 2007 |
|-------------|---|---|
| 2008        | (\$1,283,910)   | 14.3  |
| 2009        | (\$1,170,910)   | 14.3  |
| 2010        | (\$1,170,910)   | 14.3  |
| 2011        | (\$1,170,910)   | 14.3  |
| 2012        | (\$1,170,910)   | 14.3  |

**Fiscal Analysis**

The bill amends Article 104.003, Code of Criminal Procedure, which requires the Department of Criminal Justice to reimburse expenses incurred by counties when prosecuting felonies committed by TDCJ inmates, or offenses related to the possession or use of drugs or volatile chemical substances by any person on TDCJ property. The reimbursable expenses include salaries and expenses of interpreters, travel expenses for witnesses, food, lodging, and compensation of jurors, transcripts for appeal, inquest costs if a death is involved, travel expenses for the prosecutor's staff, court reporter's fees, and the cost of special security officers. The bill would also amend the Code of Criminal Procedure by making the Youth Commission (TYC) subject to the same reimbursement requirement. The bill also adds Section 61.098 to the Human Resources Code, Chapter 61, Subchapter G, to authorize any county to request that the special prosecution unit prosecute an offense under Article

104.003 that occurs in a TYC facility.

### **Methodology**

TYC anticipates no significant fiscal impact from this bill because the agency does not expect counties to incur these types of expenses. TYC does anticipate that the special prosecution unit referenced in Human Resources Code, Section 61.098 would receive approximately 50-60 requests per year for instances of Assault on a Public Servant, Sexual Assault of another youth, and Aggravated Assault of another youth occurring in TYC facilities.

The Walker County Special Prosecution Unit (SPU) estimates the bill would cost \$2,454,820 for the biennium. Costs would include salaries (\$1,934,000), professional fees and services (\$65,260), fuels and lubricants (\$40,000), office supplies (\$20,000), utilities (\$67,400), travel expenses (\$50,000), rent (\$116,560), other operating expenses (\$81,600), and vehicles (\$80,000). These cost estimates are based on the assumption of 100-120 TYC cases per year, which differs from the TYC assumption of 50-60 cases per year. The SPU reports that these cases would include youth assaultive, drug, weapons, and organized crime (gang-related) offenses, as well as staff offenses against youth, causing a higher estimate than TYC's.

The Office of Court Administration estimates that the bill would cost the state the amount of all expenses certified by a county for prosecution of new felony offenses alleged against youth committed to TYC, but cannot determine a cost.

### **Technology**

The technology impact for the Comptroller of Public Accounts, Special Prosecution Unit for fiscal year 2008 is estimated at \$33,000 and includes computers and software, and infrastructure costs associated with the 14.3 additional FTEs. No ongoing technology costs are anticipated.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 694 Youth Commission

**LBB Staff:** JOB, ES, GG, TB, KJG, AI