

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 4, 2007

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

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

**IN RE: HB449** by Phillips (Relating to the penalty for the offense of intoxication assault.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB449, As Introduced: a negative impact of (\$66,594) 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	\$0
2009	(\$66,594)
2010	(\$338,990)
2011	(\$807,970)
2012	(\$1,156,066)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2008	\$0
2009	(\$66,594)
2010	(\$338,990)
2011	(\$807,970)
2012	(\$1,156,066)

Fiscal Analysis

The bill would amend the Penal Code by enhancing the punishment for the offense of intoxication assault from a felony of the third degree to a felony of the second degree. The change in law made the proposal would only apply to an offense committed on or after September 1, 2007.

Methodology

According to Texas Department of Criminal Justice (TDCJ) data, there were 154 admissions for the offense of intoxication assault for fiscal year 2006. The average sentence length for these third degree offenders was 5.3 years. Based on a comparison of third degree and second degree admissions in fiscal year 2006, it is assumed that the average sentence length for intoxication assault offenders would increase to 6.8 years if the punishment for the offense is enhanced to a felony of the second degree, as required by the bill.

In order to estimate the future impact of the proposal, the changes proposed for release policy are applied in a simulation model to admissions reflecting the changes from the bill. Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day for prison, 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 the bill include construction of new facilities and contracting with counties or private entities for additional capacity. Estimated savings from a decrease in offenders on parole supervision as a result of increased time served in prison are estimated on the basis of an active supervision cost of \$3.51 per day.

**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, GG