

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION
Revision 1

March 19, 2007

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

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

IN RE: HB975 by Haggerty (Relating to computation of the time certain defendants are required to serve in confinement following the revocation of community supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to allow a judge to give an offender credit for time served on community supervision at the time of revocation. This bill would apply only to those offenders whose revocation of community supervision occurred on or after the effective date of the bill.

Of the 1,021 felony community supervision revocation cases during September 2005 in the five largest Community Supervision and Corrections Departments, 980 were revoked to either prison or state jail. Of the 980 felony community supervision revocation cases, offenders served an average of 26 months on community supervision prior to revocation and were sentenced to serve an average of 31 months in a correctional facility. Under the provision of this bill a judge would be allowed to give an offender credit for all or part of the time served on community supervision prior to revocation. A judge choosing to give offenders revoked in September 2005 credit for all of the time served on community supervision prior to revocation would reduce the term of incarceration to 5 months.

The system wide cost per day during fiscal year 2006 was approximately \$42. The estimated cost for incarcerating an offender revoked during September 2005 for 31 months is approximately \$40,000. The estimated cost for incarcerating the average offender given credit for all time served on community supervision and sentenced to a correctional facility for 5 months is approximately \$6,000. The estimated potential savings over the 31 month period for the average offender given credit for all of the time served on community supervision at revocation would be \$34,000.

Savings to the State as a result of the implementation of this bill can not be determined at this time and would depend on the application of this provision. In fiscal year 2006 there were 23,069 offenders revoked to prison and state jail. If the provision of the bill were fully implemented and all judges granted all offenders revoked full credit for time served on community supervision at revocation the maximum savings per year would be approximately \$305 million.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

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