

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 20, 2007

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

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

IN RE: HB1075 by Turner (Relating to the proportionality of criminal sentences and to the consequences of a defendant's violating a condition of community supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit a court from proceeding to adjudication of guilt, or increasing or revoking a defendant's period of community supervision unless the court determines the defendant's violation of a condition of supervision was a subsequent offense. The bill would require that a sanction imposed for a violation of community supervision conditions be proportional to the nature and severity of the violation.

The provisions of the bill would apply only to a hearing held on or after the effective date, which would be September 1, 2007.

Prohibiting proceeding to adjudication of guilt or increasing or revoking a defendant's period of community supervision for any reason other than a subsequent offense would reduce the number of revocations and impositions of sentence that are based on technical violations. It is anticipated that this reduction would reduce the number of persons sent to county jail or state prison, state boot camps, or state jail and conversely impact the number of persons under the supervision of a community supervision and corrections department (CSCD).

The Texas Department of Criminal Justice (TDCJ) indicates the fiscal impact regarding the agency's prison population would be insignificant. In 2005, there were 13,064 felony revocations from community supervision to prison or boot camps and 10,953 to state jails; however, those numbers represent all felony community supervision revocations to TDCJ, whether for a new offense or for a technical violation.

The cost to the state for each felony offender on regular community supervision in fiscal year 2006 was \$1.19 per person per day. State costs for other levels of supervision are more per person per day: \$3.59 for intensive supervision, \$3.97 for electronic monitoring, \$3.41 for specialized caseloads, and \$3.22 for mentally impaired specialized caseloads.

Local Government Impact

The fiscal impact would vary by local governmental entity and would also depend on how many defendants on deferred adjudication would otherwise have been adjudicated and how many on community supervision might have otherwise had their supervision revoked or extended. A reduction in number of persons adjudicated or revoked would affect the number of persons remaining on community supervision and the caseloads within the community supervision and corrections departments. The cost to a CSCD for supervising felony and misdemeanor offenders is offset by state contributions and fees imposed on the offenders. The local cost per felony offender per day on regular supervision in fiscal year 2006 was \$1.36.

If a defendant's community supervision would have otherwise been revoked and the person sent to

county jail, but under the provisions of the bill would not except for a new offense, the county jails would experience a savings related to a reduction in number of offenders housed in the jail. Bexar County reports that in fiscal year 2006, there were 2,487 misdemeanor cases revoked to county jail. County jail costs in Bexar County are \$50 per person per day and the average jail time imposed was 60 days. Bexar County assumes that if 25 percent of those revocations had been based on a technical violation, and under the provisions of the bill would not have been revoked, the county would have realized a savings of nearly \$1.9 million.

Source Agencies: 696 Department of Criminal Justice

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