

**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: HB1513** by Haggerty (Relating to the exercise of judicial discretion with respect to placing certain felony offenders on community supervision and requiring a term of confinement as a condition of that supervision.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the Code of Criminal Procedure allowing a judge to place on community supervision offenders convicted of certain felonies. Felonies for which a judge was not previously able to grant community supervision are listed within Article 42.12, Section 3g and include: murder; capital murder; indecency with a child; aggravated kidnapping; aggravated sexual assault; aggravated robbery; a controlled substance offense if the punishment is increased because the offense occurred within a drug free zone; sexual assault; or if it is shown that a deadly weapon was used in the commission of the felony.

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. Under the current statute, four percent of fiscal year 2005 felony community supervision placements were 3g offenders. At present a 3g offender can be placed on adjudicated community supervision upon the recommendation of a jury or placed on deferred adjudication by a judge. Assuming judges would now place a comparable number of 3g offenders on adjudicated community supervision rather than sentencing them to prison, the resulting decrease in prison admission would be 105 offenders. The estimated yearly savings associated with diverting 105 offenders from prison (\$40 per day) to community supervision (\$1.19 per day) would be approximately \$1.5 million ((105 offenders \* \$40\*365) – (105 offenders \*\$1.19\*365)).

This bill would take effect September 1, 2007 and apply only to a defendant charged with an offense committed on or after the effective date of the Act.

**Local Government Impact**

Costs to local entities to implement the provisions of the bill would depend on the number of cases in which a judge imposes a period of community supervision in accordance with Section 3.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG, LM, KJG