

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB2115** by Frost (Relating to a defendant's eligibility for deferred adjudication of certain intoxication offenses.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2115, As Engrossed: a negative impact of (\$1,074,684) 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) Impact to General Revenue Related Funds
2008	(\$429,874)
2009	(\$644,810)
2010	(\$644,810)
2011	(\$644,810)
2012	(\$644,810)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1
2008	(\$429,874)
2009	(\$644,810)
2010	(\$644,810)
2011	(\$644,810)
2012	(\$644,810)

Fiscal Analysis

This bill would amend the Code of Criminal Procedure making offenders convicted of driving while intoxicated with a child passenger (49.045, Penal Code) and assembling or operating an amusement ride while intoxicated (49.065, Penal Code) ineligible for judge-ordered deferred adjudication community supervision.

This bill would take effect September 1, 2007 and apply only to an offense committed on or after the effective date.

Methodology

In fiscal year 2005, 281 offenders were placed on deferred adjudication community supervision for

driving while intoxicated with a child passenger or assembling or operating an amusement ride while intoxicated. For this analysis, it is assumed half of these defendants would be shifted from community supervision to state jail as a result of the bill and would receive an average sentence of 6 to 9 months. In order to estimate the future impact of the bill, the changes proposed for admission and release policy are applied in simulation models, to estimate the decrease in the number of people on community supervision from the bill and the shift in defendants convicted of the offense driving while intoxicated with a child passenger or assembling or operating an amusement ride while intoxicated from community supervision placement to state jail.

Costs of incarceration by the Texas Department of Criminal Justice are estimated on the basis of \$35 per inmate per day for state jail facilities, reflecting approximate costs of either operating state jail facilities or contracting with other entities. Savings from the reduced community supervision population, as a result of the bill, are also included in this analysis. After five years of cumulative impact, fiscal implications will continue as long as the provisions of the bill are implemented.

### **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, LM