

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 9, 2007**

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

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

**IN RE: HB3200** by Madden (Relating to the computation of certain funding for community supervision and corrections departments.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3200, As Introduced: a negative impact of (\$21,432,144) through the biennium ending August 31, 2009.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	(\$9,995,592)
2009	(\$11,436,552)
2010	(\$11,436,552)
2011	(\$11,436,552)
2012	(\$11,436,552)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from GENERAL REVENUE FUND 1</b>
2008	(\$9,995,592)
2009	(\$11,436,552)
2010	(\$11,436,552)
2011	(\$11,436,552)
2012	(\$11,436,552)

**Fiscal Analysis**

The bill would amend the Government Code by establishing a new funding formula for basic supervision probation for the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ). The bill would collapse the funding mechanisms for per capita funding for felony probationers, misdemeanor probationers, and pre-trial defendants into one funding formula. The bill further specifies that in establishing the new funding formula, the CJAD would include the following:

- 1) Higher per capita rates for those defendants supervised by a department who were serving the early years of a term of community supervision than for those defendants who were serving the end of the term of community supervision;
- 2) Penalties in per capita funding with respect to each defendant supervised by a department whose community supervision was revoked due to a technical violation of an applicable condition of community supervision; and
- 3) Awards in per capita funding with respect to each felony defendant supervised by a department who was discharged following an early termination of community supervision.

The first two factors would be applicable to both misdemeanor and felony probated cases, the third factor would apply only to felony probated cases. Under the present funding formula, state funding for misdemeanor cases is limited to 182 days. The bill would authorize funding for the duration of the term of the misdemeanor case. Current policy includes that CJAD award funding to departments on a biennial basis, however the bill would require CJAD to develop a new funding formula each year.

Finally, the bill would authorize the Texas Board of Criminal Justice to adopt a policy limiting the percentage of benefit or loss a department could realize as a result of the operation of the per capita funding formula established under this measure.

### **Methodology**

The fiscal impact on the funding allocation to the community supervision and corrections departments (CSCDs) is estimated to be approximately \$10.0 million in fiscal year 2008 and approximately \$11.4 million in fiscal year 2009. This calculation includes the amount of funding to hold CSCDs harmless, \$4.2 million in each fiscal year and to account for the projected loss of offender fees, \$5.8 million in fiscal year 2008 and \$7.2 million in fiscal year 2009.

### **Local Government Impact**

Funding to individual community supervision and corrections departments would depend on the formula developed by the division. The funding formula impacts local community supervision and corrections departments (CSCDs) diversely because of different sentencing patterns, crime patterns, demographics, and different types of offenders on probation.

**Source Agencies:** 696 Department of Criminal Justice

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