

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

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

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

IN RE: HB3702 by Miles (Relating to mandatory supervision for certain drug possession offenses.),
As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB3702, As Introduced: a positive impact of \$9,112,756 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$3,375,033
2009	\$5,737,723
2010	\$5,737,723
2011	\$5,737,723
2012	\$5,737,723

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2008	\$3,375,033
2009	\$5,737,723
2010	\$5,737,723
2011	\$5,737,723
2012	\$5,737,723

Fiscal Analysis

The bill would amend the Government Code by removing parole panel determinations that would prevent the release to mandatory supervision of inmates convicted of third degree felony drug possession offenses.

The bill would take effect immediately if it receives approval of two-thirds of the members of each house. If the bill does not receive two-thirds approval, it would take effect on September 1, 2007.

Methodology

According to Texas Department of Criminal Justice (TDCJ) data, there were 1,635 offenders, whose offense was third degree felony possession of a controlled substance, considered for release on mandatory supervision in fiscal year 2006. Of those considered, 527 offenders (32 percent) were denied release. Of those denied, TDCJ estimates that 165 offenders will be discharged prior to their next consideration hearing and 362 offenders will remain in prison. Those discharged prior to their next consideration hearing will serve an average of 168 days in confinement until discharged. The 362 offenders denied release and not discharged will

serve approximately one year until their next consideration for release on mandatory supervision hearing.

In order to estimate the future impact of the proposal, the changes proposed for release policy are applied in a simulation model, to an on-hand prison population where mandatory supervision decisions are modeled according to current policy and according to the bill to determine the impact of the bill on the prison population. For current policy it is assumed that future mandatory supervision decisions for third degree felony possession of controlled substance offenders would be equivalent to decisions made in fiscal year 2006. The simulation model also includes increased parole supervision costs associated with individuals that would be released from prison to mandatory supervision. Savings of incarceration by the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day for prison, reflecting approximate costs of either operating facilities or contracting with other entities. Costs of parole supervision at \$3.51 per day for parole supervision of offenders that would complete the remainder of their term on parole supervision are also included.

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, TM