

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**May 3, 2007**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

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

**IN RE: SB44** by Nelson (Relating to the provision of intervention or counseling services to certain persons who have committed family violence and to a process for accrediting those services.), **As Passed 2nd House**

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

The bill would amend the Government Code by requiring that beginning September 1, 2008, if a court, as a condition of community supervision, orders a defendant convicted of an offense involving family violence, to attend a battering intervention and prevention (BIP) program and a certified program or provider is not available, the defendant may attend a BIP program or provider that has begun the accreditation process. The bill further provides that if a program or provider that has begun the accreditation process is not available, the defendant may attend counseling sessions with a licensed counselor, social worker, or other professional who has completed family violence intervention training that is approved by the community justice assistance division (CJAD), Texas Department of Criminal Justice (TDCJ), with the consultation of members of state licensing boards including health professionals, psychology and social work professional counselors, and marriage and family violence therapists. Beginning September 1, 2009, the BIP program or provider serving as a referral option for the courts would have to be accredited. The bill further defines that a battering intervention and prevention program meet guidelines adopted by CJAD with the assistance of a statewide nonprofit organization that has a history of being involved in providing technical assistance relating to family violence to shelter centers, law enforcement agencies, and the legal community statewide advocacy professionals. The bill states that CJAD shall seek the assistance of the nonprofit organization described above in developing guidelines and accrediting programs and providers of battering intervention and prevention programs. Prior to the adoption of the guidelines, CJAD shall invite the licensing authorities described above to review and comment on the guidelines. The bill provides that with the assistance of the nonprofit organization, CJAD shall after notifying the licensing authorities, adopt the guidelines and accredit programs and providers providing BIP programs. Also, CJAD shall collect a one-time application fee set by TDCJ from each program or provider seeking accreditation.

The bill would also amend the Family Code by specifying conditions in which the defendant may satisfy the provisions of the bill if a certified BIP program or provider is not available.

The Department of Criminal Justice has estimated the cost of implementing the provisions in the bill to be approximately \$263,228 annually for the salaries of five (5) additional FTEs (one manager and four auditors). TDCJ has determined that the associated costs could be absorbed with current resources. CJAD has identified approximately 75 individual service providers or programs that currently provide direct services to family violence offenders that would possibly make application for accreditation. For the purposes of providing an amount for the one-time application fee, CJAD estimates the fee to be \$300.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

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

**LBB Staff:** JOB, MN, GG, SDO