

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

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

**May 17, 2007**

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

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

**IN RE: SB838** by Whitmire (Relating to the revocation or modification of parole or mandatory supervision. ), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB838, Committee Report 2nd House, Substituted: a positive impact of \$25,354,345 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	\$711,209
2009	\$24,643,136
2010	\$49,471,692
2011	\$65,387,718
2012	\$77,585,565

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from GENERAL REVENUE FUND 1</b>
2008	\$711,209
2009	\$24,643,136
2010	\$49,471,692
2011	\$65,387,718
2012	\$77,585,565

**Fiscal Analysis**

The bill would amend the Hearings and Sanctions Subchapter of the Government Code by specifying conditions under which a parole panel may require a person to remain under custodial supervision each time the board modifies a person's parole or mandatory supervision. The bill would set a term of not less than 180 days or more than one year for a person with a modified parole or mandatory supervision term modified by a parole panel and required to serve a term of confinement and treatment in a substance abuse treatment facility. The bill also prohibits a parole panel from revoking a person's parole or mandatory supervision for an administrative violation of a condition of release, or for an offense punishable as a misdemeanor committed after release. A parole panel may revoke a person's parole or mandatory supervision if the person has failed to report to the parole officer supervising the person for a period of at least one year, or is arrested outside of the state on an issued warrant.

The bill would amend the Hearings and Sanctions Subchapter of the Government Code by specifying a term of not less than 60 days or more than one year for a person who has violated the terms of their parole or mandatory supervision and is required by a parole panel to remain under custodial supervision in an intermediate sanction facility. The bill would allow a parole panel to require a person to remain under custodial

supervision each time the panel modifies the person's parole or mandatory supervision. Sex offenders or those under super-intensive supervision parole would be ineligible for diversion from prison under the provisions of this bill.

## **Methodology**

In fiscal year 2006, 2,238 admissions to TDCJ were for technical revocations of terms of parole or mandatory supervision. Also, 1,882 admissions to TDCJ were for new misdemeanor offenses resulting in revocations of parole or mandatory supervision that would be ineligible for revocation under the provisions of this bill. TDCJ estimates that in fiscal year 2006, 500 technical revocations to prison were individuals failing to report to their supervising parole officer for a period of at least one year. Savings would result from the bill as a result of parole and mandatory supervision violators being diverted from prison to substance abuse treatment facilities or intermediate sanction facilities rather than prison. After excluding sex offenders and offenders on super-intensive supervision parole prior to revocation, and after excluding those defendants with an administrative violation that have failed to report to the supervision parole officer for a period of at least one year, there are 3,137 parole technical or misdemeanor violators eligible for diversion. With an average length of stay of three months, 780 intermediate sanction facility beds would accommodate approximately 3,137 persons with technical or misdemeanor violations of parole or mandatory supervision. Conversely, 3,137 persons revoked to prison for technical or misdemeanor violations of parole or mandatory supervision are likely to require 6,274 prison beds assuming an average length of stay of two years.

In order to estimate the future impact of the proposal, the changes proposed for release policy are applied in simulation models, to (1) a prison population that reflects the distribution of offenses, sentence lengths, and time served, and (2) a parole population that reflects the increase in the number of people on parole supervision, due to reduced parole revocations for technical violations of terms of supervision. Included in the net estimated savings of the proposal is additional projected parole operating costs.

Savings for the cost 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 state facilities or contracting with other entities. Additional parole supervision costs of \$3.51 per parolee per day are included for the cost of supervising additional parolees as a result of the bill. Finally, the cost of operating an additional 780 intermediate sanction facility beds at \$35.27 per day per bed are included, reflecting the approximate costs of either operating facilities or contracting with other entities.

## **Local Government Impact**

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

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

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