

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 11, 2007

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

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

IN RE: SB838 by Whitmire (Relating to the revocation or modification of a person's parole.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB838, As Introduced: a positive impact of \$19,480,290 through the biennium ending August 31, 2009.
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General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$489,094
2009	\$18,991,196
2010	\$35,761,848
2011	\$46,294,839
2012	\$54,008,673

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2008	\$489,094
2009	\$18,991,196
2010	\$35,761,848
2011	\$46,294,839
2012	\$54,008,673

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.

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.

Methodology

In fiscal year 2006, 2,238 admissions to TDCJ were for technical revocations of terms of parole or mandatory supervision. 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. With an average length of stay of three months, 550 intermediate sanction facility beds would accommodate 2,200 persons with technical revocations of their conditions of parole or mandatory supervision. Conversely, 2,200 persons revoked to prison for technical revocations of their conditions of parole or mandatory supervision are likely to require 4,400 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 550 intermediate sanction facilities at \$35.27 per day 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, ES, GG, KJG