

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 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.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for SB838, Committee Report 1st House, Substituted: a positive impact of \$31,889,956 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	\$822,534
2009	\$31,067,422
2010	\$58,026,994
2011	\$76,773,276
2012	\$91,934,567

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2008	\$822,534
2009	\$31,067,422
2010	\$58,026,994
2011	\$76,773,276
2012	\$91,934,567

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. 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. 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, there are 3,637 parole technical or misdemeanor violators eligible for diversion. With an average length of stay of three months, 900 intermediate sanction facility beds would accommodate 3,600 persons with technical or misdemeanor violations of parole or mandatory supervision. Conversely, 3,600 persons revoked to prison for technical or misdemeanor violations of parole or mandatory supervision are likely to require 7,200 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 900 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, TM, ES, GG, KJG