

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 7, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

IN RE: SB877 by Seliger (Relating to a limitation on judge-ordered community supervision for certain defendants convicted of first-degree felony injury to a child.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by eliminating the possibility of judge ordered community supervision for a defendant convicted of the offense of injury to a child elderly individual, or disabled individual, if the offense is punishable as a felony of the first degree and the victim of the offense is a child, and the offense results in serious bodily injury. The bill would also require such defendants to not be eligible for release on parole until the defendant's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event would the defendant be eligible for release on parole in less than two calendar years.

Of the 48 offenders released from prison in fiscal year 2006 for the offense of injury to a child, elderly individual, or disabled individual, punishable as a first degree felony, the average time served was 10 years and the average percentage of sentence served was nearly 80%; therefore the provision of the bill determining parole eligibility is unlikely to have a significant impact. In addition, in fiscal year 2006, only 18 persons were placed on community supervision for the offense identified by the proposal, therefore the provision eliminating the possibility of judge ordered community supervision is also not likely to have a significant impact on correctional populations.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ES, GG