

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

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

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

IN RE: HB221 by Menendez (Relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest and to the punishment prescribed for the offense of evading arrest or detention.), **As Engrossed**

No significant fiscal implication to the State is anticipated from the provisions of the bill relating to delaying the parole eligibility date for a finding regarding a delay in arrest of the defendant for the trial of certain offenses. The probable fiscal impact regarding the provision of the bill that would enhance the punishment for the offense of evading arrest is indeterminate due to the unavailability of data related to the number of times evading arrest or detention is committed by an actor with a prior conviction of evading arrest or detention.

The bill would amend the Government Code as it relates to the parole eligibility of certain offenders by delaying the parole eligibility date if there is a finding regarding delay in arrest of the defendant in the trial for the offense of murder, sexual assault, or aggravated sexual assault. For offenders with such a finding, for every twelve months between the date an arrest warrant is issued following indictment for the offense and the date the inmate is arrested for the offense, the earliest date on which an inmate is eligible for parole is delayed by three years if the inmate is serving a sentence for the offense of murder, sexual assault, or aggravated sexual assault. Given the proposal would apply to offenses committed on or after September 1, 2009 and that under current law and policy individuals convicted of murder, aggravated sexual assault, and sexual assault serve a high percentage of their sentence, the impact of this proposal would not be significant in the first five years of implementation.

The bill would also amend the Penal Code to make evading arrest or detention punishable as a Class A misdemeanor or a state jail felony if the actor has a prior conviction for evading arrest or detention. In fiscal year 2008, approximately 1,100 offenders were placed on misdemeanor community supervision and approximately 1,400 offenders were placed on felony community supervision for evading arrest or detention. A check of Texas Department of Criminal Justice records, Department of Public Safety records, Office of Court Administration records, and Jail Standards Commission records did not reveal any information that would help in an accurate assumption regarding the number of times evading arrest or detention is committed by an actor with a prior conviction of evading arrest or detention; therefore, the probable impact of implementing this provision of the bill cannot be determined.

The bill would take effect on September 1, 2009 and would apply to an offense committed on or after the effective date.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, TB, ESi, GG, TMP