

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 16, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

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

IN RE: HB944 by Dutton (Relating to in-prison geriatric communities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code by requiring the Texas Department of Criminal Justice (TDCJ) to establish a program to confine and treat offenders who are 60 years old or older in prison geriatric communities. The bill would require TDCJ to provide at least 800 beds housing participants of the program. The bill would jointly require TDCJ and the Department of Aging and Disability Services (DADS) to develop methods of screening and assessing offenders to determine needs as geriatric offenders. The bill would require the Office of the Governor's Criminal Justice Division, in coordination with TDCJ, to develop methods to evaluate processes used by TDCJ and the level of success achieved by the program.

The Department of Criminal Justice indicates that as of December 1, 2008, there were approximately 4,987 offenders over the age of 60 years. The bill is unclear as to what type of treatment programming is to be provided for in-prison geriatric communities. According to TDCJ, cost for enhanced treatment programming, similar to that which is offered by the LeBlanc Unit, is currently estimated to be an additional \$3.91 per offender per day (approximately \$1.1 million annually for 800 offenders). It is assumed that construction would not be required for additional dorm expansion. If facility construction is needed, the cost of design and construction would be approximately \$43.0 million for three 330-bed expansion dorms. The agency estimates operating costs for an 800-bed facility to be \$13.9 million annually (based on fiscal year 2007 Byrd Facility cost/offender/year of \$13,858). Also, medical costs associated with geriatric offenders is approximately \$20.55 per day, however, it is assumed that the medical cost per day would not change as a result of passage of this bill, unless additional medical staff is needed in the geriatric facility. The Office of the Governor anticipates some costs (approximately \$23,000 annually) associated for the development, evaluation, and program monitoring, as required by the bill. The Department of Aging and Disability Services estimates additional travel expenses would be incurred to implement provisions of the bill.

It is assumed that the additional cost could be reasonably absorbed within the agencies' current appropriations.

The bill would take effect September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 539 Aging and Disability Services, Department of, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, SDO