

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 31, 2009

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

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

IN RE: SB1948 by Hinojosa (Relating to the supervised reentry into the community of certain inmates nearing their date of discharge from the Texas Department of Criminal Justice.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1948, As Introduced: a positive impact of \$10,907,665 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$3,281,666
2011	\$7,625,999
2012	\$7,625,999
2013	\$7,625,999
2014	\$7,625,999

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2010	\$3,281,666
2011	\$7,625,999
2012	\$7,625,999
2013	\$7,625,999
2014	\$7,625,999

Fiscal Analysis

The bill would amend the Government Code by creating the supervised reentry program for offenders who are eligible for release on parole but who have not been released on parole or to mandatory supervision. The bill would require a parole panel to order the release of an inmate to the supervised reentry program one year before the date on which the inmate will discharge the inmate's sentence; or the date on which the inmate will have served 90 percent of the inmate's sentence. The inmate would be released on the latest date of the release criteria, and release would be determined by the actual calendar time the inmate has served, without consideration of good conduct time. The Texas Department of Criminal Justice (TDCJ), to the extent practicable and before an inmate is discharged, would make arrangements for the inmate's supervised reentry into the community. A parole panel releasing an inmate to a program of supervised reentry would impose conditions that require the

inmate to participate in treatment and counseling determined to be appropriate. An inmate who fails to comply with the conditions of supervised reentry would be subject to revocation or other sanctions. The period of supervised reentry would be calculated by subtracting from the sentence of an inmate the calendar time served on the sentence. If an inmate is revoked from supervised reentry, the time served on supervised reentry does not apply toward the remainder of their sentence

Methodology

For fiscal year 2008, 8,905 inmates were released as discharge releases, indicating they served their entire sentence in actual calendar time without consideration of good conduct time. Of the 8,905 discharge releases, 3,489 (39 percent) were ineligible for parole and would not be eligible for supervised reentry, while 5,416 (61 percent) of the discharge releases were eligible for parole release and would be eligible for supervised reentry. Of the 5,416 parole eligible discharge releases, had the criteria been in place that allowed for the supervised reentry program, the discharge releases would have served on average approximately 149 less days in prison, based on their sentence lengths and the amount of time they served.

In order to estimate the future impact of the proposal, the changes proposed for release policy are applied in a simulation model, to (1) a prison population that reflects the distribution of offenses, sentence lengths, and time served, and (2) a post release model reflecting the increase in the number of people in a supervised reentry program. Included in the estimate are the costs associated with requiring the inmate to participate in treatment and counseling determined to be appropriate while on supervised reentry. Since the inmates selected for supervised reentry are inmates that have not been suitable candidates for parole or mandatory supervision release, and tend to have higher risks and needs, it is assumed that the level of supervision for inmates would be comparable to the Super-Intensive Supervision Program (SISP).

Savings of incarceration by the Department of Criminal Justice are estimated on the basis of \$47.50 per inmate per day for prison facilities, reflecting approximate costs of either operating facilities or contracting with other entities. The costs of reentry supervision are estimated on the basis of \$25.54 per day, which is the active daily supervision cost for SISP.

It is assumed that the full savings from the proposal will not be realized until the second year after the effective date of September 1, 2009.

The Board of Pardons and Paroles anticipates changes regarding voting options and processing time associated with the bill but anticipates no significant fiscal impact from the bill.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, ESi, GG, LM