

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 16, 2011

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

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

IN RE: HB1205 by Turner (Relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.), **As Engrossed**

The probable fiscal impact of implementing the bill cannot be determined due to the unavailability of reliable data or information related to community supervision.

The bill would amend the Code of Criminal Procedure by establishing time credits for certain defendants who have been granted community supervision for certain felonies. The bill specifies the time credits eligible defendants may receive for particular behaviors, such as earning a degree, making full payment of court costs and fines, and successfully completing a treatment program. The bill would require the supervision officer to report to the court when the defendant is entitled to one or more time credits, and the court must then conduct a review of the defendant's community supervision history to determine if the defendant is entitled to a reduction or termination of the community supervision term. The bill would also provide that the court may order that a defendant's time credit may be forfeited under certain circumstances. The bill would also add the defendant's attorney to the list of people to whom notification must be sent before reducing, terminating, or conducting certain reviews of community supervision cases as describe in Section 20(a), Article 42.12, Code of Criminal Procedure.

The bill may have a positive impact by creating an incentive for defendants to pay court costs and fines and decreasing the amount of time they are on community supervision. The bill may reduce the amount paid in community supervision fees as a result of the reduction in the length of community supervision. Additionally, the bill may increase the workload for community supervision personnel and for courts.

Whether the bill would result in a significant amount of savings, or cost, to the State cannot be determined due to a lack of statewide community supervision data in the following areas: 1) a repository of data on conditions of community supervision; 2) the program participation or completion of programs by defendants on community supervision; and 3) data on fees paid to courts by defendants on community supervision. The Office of Court Administration and the Texas Department of Criminal Justice were unable to provide data that would help in providing an estimate of the cost or savings from the bill.

The bill would take effect on September 1, 2011 and apply to persons placed on community supervision on or after the effective date of the Act.

Local Government Impact

Local governments may experience positive fiscal impact due to increased collection of court costs and fines and decreased workload when the length of defendants' community supervision is reduced. Local governments may also experience negative fiscal impact due to increased workload of community supervision and court personnel and reduction in the payment of community supervision fees. The impact of these effects on individual local governments will vary, but it is anticipated that they will offset each other and result in no significant fiscal impact to units of local government.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

LBB Staff: JOB, LM, ESi, GG, AI, TB, KKR