

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION
Revision 1

March 23, 2011

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

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

IN RE: HB2352 by Allen (Relating to the eligibility of certain inmates for release on mandatory supervision.), **As Introduced**

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| Estimated Two-year Net Impact to General Revenue Related Funds for HB2352, As Introduced: a positive impact of \$124,477,603 through the biennium ending August 31, 2013. |
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General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|--------------------|---|
| 2012 | \$36,743,646 |
| 2013 | \$87,733,957 |
| 2014 | \$123,200,297 |
| 2015 | \$151,796,262 |
| 2016 | \$175,432,775 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from General Revenue Fund 1 |
|--------------------|--|
| 2012 | \$36,743,646 |
| 2013 | \$87,733,957 |
| 2014 | \$123,200,297 |
| 2015 | \$151,796,262 |
| 2016 | \$175,432,775 |

Fiscal Analysis

The bill would amend the Government Code as it relates to the eligibility of certain inmates for release on mandatory supervision. Under the provisions of the bill, the parole board would be required to release certain offenders when calendar time and good time equal their sentence. Under current statute an offender is eligible for review when an offender's good time and calendar time equal their sentence length and the parole panel can deny release and set off review in certain circumstances.

The bill would take effect on September 1, 2011 and apply to any inmate serving a term of imprisonment in a facility operated by or under contract with the Texas Department of Criminal Justice on or after the effective date of this Act, regardless of when the inmate was sentenced to serve that term.

Methodology

Requiring the automatic release of offenders is expected to result in decreased demands upon the correctional resources of the State due to shorter terms of confinement in prison. In fiscal year 2010, 8,594 offenders were discharged from prison and after removing from that group those ineligible for release to mandatory supervision, 5,506 of those offenders would be subject to the provisions of the bill. Of the 5,506 offenders subject to the provisions of the bill, 805 offenders accrued no good time and would still be subject to discharge releases leaving 4,701 offenders released to mandatory supervision and serving shorter terms of incarceration (approximately 3.21 years).

In order to estimate the future impact, the proposed conditions of the bill are applied in a simulation model to a prison population that reflects the distribution of offenses, sentence lengths, and time served. Savings of incarceration by the Department of Criminal Justice are estimated on the basis of \$45.00 per inmate per day for prison facilities, reflecting approximate costs of either operating facilities or contracting with other entities. Costs of supervision by the Department of Criminal Justice's parole division are estimated on the basis of \$3.74 per offender per day.

It is likely a substantial number of currently incarcerated offenders would be released earlier as a result of the bill but the number and the savings realized would be contingent on the amount of good time accrued and time served by these offenders on the effective date of the bill, and the ability of the Texas Department of Criminal Justice to process offenders for release.

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, ADM, AI