

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 20, 2011

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

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

IN RE: HB2412 by Miles (Relating to mandatory supervision for certain drug possession offenses.),
As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB2412, As Introduced: a positive impact of \$46,606,277 through the biennium ending August 31, 2013.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$19,847,151
2013	\$26,759,126
2014	\$37,351,441
2015	\$45,693,992
2016	\$53,021,978

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2012	\$19,847,151
2013	\$26,759,126
2014	\$37,351,441
2015	\$45,693,992
2016	\$53,021,978

Fiscal Analysis

The bill would amend the Government Code as it relates to mandatory supervision for certain drug possession offenses. Under the provisions of the bill, offenders incarcerated for certain drug offenses would be automatically released to mandatory supervision once the offender's time served plus good time equals the offender's sentence length.

The bill would take effect September 1, 2011.

Methodology

Penalty Group 1 controlled substances include, but are not limited to, opiates and opium derivatives (e.g., heroin), cocaine, and methamphetamines. Penalty Group 1-A controlled substances include lysergic acid diethylamide (LSD), its salts, isomers, and salts of isomers. Penalty Group 2 controlled substances include, but are not limited to, hallucinogenic substances (e.g., Mescaline and

Tetrahydrocannabinols other than marijuana). Penalty Group 3 controlled substances include, but are not limited to, substances that affect the central nervous system like Adderall (methylphenidate and its salts), Preludin (phenmetrazine and its salts), phenobarbital, and Alprazolam. Penalty Group 4 controlled substances include, but are not limited to, anabolic steroids. The final group covered by the provisions of the bill is possession of marijuana.

Allowing for the automatic release of offenders to mandatory supervision 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, there were 9,504 case denials for releases to discretionary mandatory supervision. Of those cases denials, 1,393 were for the drug offenses subject to the provisions of this bill.

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. Incarceration savings for 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.

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, AI