

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 5, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB3001 by Thompson (Relating to the electronic monitoring of certain high-risk sex offenders; providing a penalty.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3001, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

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
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from State Highway Fund 6
2012	(\$1,411,392)
2013	(\$601,354)
2014	(\$964,341)
2015	(\$1,327,317)
2016	(\$1,690,293)

Fiscal Year	Change in Number of State Employees from FY 2011
2012	2.0
2013	2.0
2014	2.0
2015	2.0
2016	2.0

Fiscal Analysis

The bill would provide for the electronic monitoring of certain high-risk sex offenders through

electronic monitoring devices which track a person's location. The bill would require the court to make a determination if a defendant is highly likely to commit a subsequent offense post-confinement and be subject to electronic monitoring. The Department of Public Safety (DPS) would be required to adopt rules to implement the monitoring program and DPS would be authorized to solicit and accept gifts, grants, or donations to help fund the implementation of a monitoring program.

DPS would be required to implement and coordinate the monitoring program. The monitoring program would require DPS to provide monitoring system equipment to the local law enforcement authority designated to manage registered sex offenders. Local law enforcement must use the monitoring system to verify the authenticity of any geographically verifiable information such as the residence of the registrant. The manufacturer or vendor of the monitoring system must provide training and technological support to law enforcement.

The bill provides exemptions from monitoring if the court grants the individuals petition for exemption.

The bill would also amend the Code of Criminal Procedure to making it a third degree felony, which is punishable by confinement in prison for a term from 2 to 10 years and an optional fine not to exceed \$10,000, if an individual fails to comply with monitoring requirements. For the purposes of this analysis, it is assumed that the number of offenders convicted under this provision of the bill would not result in a significant impact on the programs and workload of state corrections agencies. The bill would take effect September 1, 2011 and applies only to an offense committed on or after the effective date of the Act.

Methodology

DPS anticipates it would require two system analysts to establish the monitoring program. The cost of salary, benefits, and equipment for two FTEs would be \$249,793 in the first year and \$238,389 each additional year.

The cost of establishing the program in the first year would include costs associated with purchasing and implementing the system, estimated to be \$1.2 million. DPS estimates that 192 high-risk sex offenders will be released into this program each year at a cost of \$3,781 per offender. The monthly cost of monitoring would be paid by non-indigent registered sex offenders subject to monitoring. It is assumed that the state would be responsible for the cost of monitoring 50 percent of the offender because of their status as indigent offenders.

The cost could be offset by any gifts, grants, or donations the agency receives to help fund the implementation of a monitoring program; however, such offsets are not included in this analysis.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

LBB Staff: JOB, ESi, GG, DH, TB, KKR