

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 12, 2011**

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

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

**IN RE: HB3351** by Turner (Relating to delinquent conduct for which a juvenile may be certified to stand trial as an adult in a criminal case.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3351, As Introduced: a negative impact of (\$2,972,439) 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2012	(\$1,325,721)
2013	(\$1,646,718)
2014	(\$2,349,356)
2015	(\$2,349,356)
2016	(\$2,009,352)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>
2012	(\$1,325,721)
2013	(\$1,646,718)
2014	(\$2,349,356)
2015	(\$2,349,356)
2016	(\$2,009,352)

**Fiscal Analysis**

The bill would amend the Family Code and the Penal Code to limit the offenses for which a child may be transferred from juvenile court to a district court to stand trial as an adult. Only serious felony offenses for which a juvenile may receive a determinate sentence as listed in Family Code Section 53.045 would be eligible for transfer. The bill would reduce the number of juvenile court proceedings to transfer youth to criminal court, and it would increase the juvenile delinquency proceedings in juvenile courts for less serious felony offenses that could no longer be transferred to criminal court.

The bill would limit the transfer of a juvenile to a district court for prosecution as an adult to only those offenses currently listed in Section 53.045, Family Code, for which a prosecuting attorney may present a petition to seek a determinate sentence as a juvenile. This would have the effect of limiting the offenses for which a prosecutor may seek certification of a juvenile as an adult, which would likely

increase the population committed to the Texas Youth Commission.

## **Methodology**

This analysis assumes that commitments to the Texas Youth Commission would increase by 19 in fiscal year 2012, 24 in fiscal year 2013, 34 in fiscal year 2014, 34 in fiscal year 2015, and 29 in fiscal year 2016. The cost per youth day in institutional programs at TYC in the Committee Substitute for House Bill 1 is \$166.89 in fiscal year 2012 and \$164.23 in fiscal year 2013. This analysis uses the cost per youth day of \$165.56 for fiscal years 2014 through 2016. Added to this cost is an additional \$38.17 per youth day for health and mental health care and general rehabilitation treatment. This analysis does not include the additional costs related to assessment and orientation of additional youth, increased populations of youth on parole, or any specialized treatments which the youth may receive while under care at TYC. The total cost of additional youth at TYC may be higher than the estimate provided herein.

The costs of additional commitments to TYC are offset by savings to the adult system. This analysis assumes that of the additional youth committed to TYC, 20.4% of them would have been committed to the institutional division of the prison system at a cost of \$45.00 per day, 9.2% would have been sent to state jail at a cost of \$43.03 per day, 43.7% would have been put on felony probation at a cost of \$2.92 per day, and 26.7% would have been committed to another criminal justice service (ie. dismissed or sentenced to county jail). The savings associated with these adult alternatives are \$99,992 in fiscal year 2012, \$126,306 in fiscal year 2013, \$178,934 in fiscal years 2014 and 2015, and \$152,620 in fiscal year 2016.

This analysis does not include future, but more difficult to quantify, savings that would be realized as a result of limiting the offenses for which a child may be transferred from juvenile court to a district court to stand trial as an adult. The incidence of violent recidivism, suicide, sexual assault, physical attack, and mental illness are all higher for juveniles locked up in county jails awaiting trial and in adult prison after conviction. Also, while in adult jails or prisons, youth are often denied the educational and rehabilitative services that are necessary for their stage in development.

## **Technology**

The bill would not pose a significant impact to the technology resources of the Texas Youth Commission, as any additional work could be performed within current systems.

## **Local Government Impact**

The bill would amend the Family Code and Penal Code to limit the offenses for which a child may be transferred from juvenile court to a district court to stand trial as an adult to only those serious felony offenses for which a child may receive a determinate sentence to the Texas Youth Commission as listed in Family Code Sec. 53.045. This would likely lead to a decrease of transfers from juvenile courts to criminal courts; however, overall impact to units of local government is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 665 Juvenile Probation Commission, 694 Youth Commission

**LBB Staff:** JOB, ESi, GG, MWU, TB, JGA, KKR