

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

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

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

IN RE: HB3366 by White (Relating to the placement of certain state jail felons on community supervision.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3366, Committee Report 1st House, Substituted: a positive impact of \$72,358,942 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 | \$39,783,388 |
| 2013 | \$32,575,554 |
| 2014 | \$32,229,287 |
| 2015 | \$32,270,551 |
| 2016 | \$31,974,088 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from General Revenue Fund 1 |
|--------------------|--------------------------------------------------------------------|
| 2012 | \$39,783,388 |
| 2013 | \$32,575,554 |
| 2014 | \$32,229,287 |
| 2015 | \$32,270,551 |
| 2016 | \$31,974,088 |

Fiscal Analysis

The bill would amend the Code of Criminal Procedure as it relates to the placing of certain state jail felons on community supervision.

The bill would take effect Septemebr 1, 2011 and apply to a person confined in a state jail facility on or after the effect date of the Act, regardless of when the offense for which the person is serving a sentence was committed.

Methodology

The bill would amend the Code of Criminal Procedure as it relates to the placing of certain state jail felons on community supervision. Under the provisions of the bill, TDCJ would be required to notify the sentencing court on the confinee's conduct and programmatic progress no later than the 30th day before the date on which the confinee will have served 75 percent of the sentence. Upon receipt of the

report, the judge may place the confinee on felony community supervision or order the confinee to remain in state jail for the remainder of the sentence. The provisions of the bill would apply only to certain state jail confinees who had not been the subject of a major disciplinary action while confined and incarcerated; had successfully completed or substantially complied with the requirements of any substance abuse treatment program or industrial work, agricultural, educational, or vocational program in which the confinee had participated; was not a member of a security threat group; had no prior felony conviction for a violent or sexual offense. Under the provisions of the bill, if the judge of the sentencing court has not acted by the date on which the confinee has served 75 percent of the sentence the confinee would be automatically released.

Allowing for the release of confinees in a state jail facility to felony community supervision is expected to result in decreased demands upon the correctional resources of the State due to shorter terms of confinement in state jails. On August 31, 2010, there were 12,245 people confined in state jail. The average sentence length for those admitted to state jail in fiscal year 2010 was 10 months and the average sentence length for those on-hand at the end of the fiscal year was 13 months. After removing from this group those with a previous felony conviction for 3g offense, those with a previous conviction for a sexual offense requiring registration, those with offenses listed in subsection (a)(1), and those who are members of a security threat group approximately 7,834 confinees and approximately 4,000 admissions would be subject to the provisions of the bill. Based on the average sentence length of 13 months, the average maximum period confinement would be reduced by 3 months. Assuming all were able to take advantage of the release to felony community supervision when 75 percent of the sentence had been served, the average time confined within a state jail would be decreased to 10 months.

In order to estimate the future impact, the proposed conditions of the bill are applied in a simulation model to a state jail 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 \$43.03 per inmate per day for state jail facilities, reflecting approximate costs of either operating facilities or contracting with other entities. Costs of supervision by the Department of Criminal Justice's community justice assistance division are estimated on the basis of \$2.92 per offender per day.

Local Government Impact

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

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

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