

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

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

**April 12, 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 enhancing state jail felony offender accountability and supervision, and incentivizing compliance with treatment, educational, and vocational programming.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB3366, As Introduced: a positive impact of \$52,381,236 through the biennium ending August 31, 2013.
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**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2012	\$21,025,695
2013	\$31,355,541
2014	\$32,229,287
2015	\$32,270,551
2016	\$31,974,088

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>
2012	\$21,025,695
2013	\$31,355,541
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 enhancing state jail felony offender accountability and supervision, and incentivizing compliance with treatment, educational, and vocational programming.

The effective date of the bill is unknown. This analysis assumes the bill would be effective September 1, 2011 and apply only to an offense committed on or after that date.

**Methodology**

The bill would amend the Code of Criminal Procedure as it relates to enhancing state jail felony offender accountability and supervision, and incentivizing compliance with treatment, educational, and vocational programming. Under the provisions of the bill certain state jail felony confinees would

be released to felony community supervision once 75 percent of their sentence had been served unless the sentencing court notifies TDCJ that the confinee should remain in a state jail facility for the remainder of the sentence. The provisions of the bill would apply only to state jail confinees who had an exemplary disciplinary record while incarcerated; who had demonstrated full compliance with all offered educational, treatment, and vocational programs while incarcerated; was not a member of a security threat group; had no prior felony conviction for a violent or sexual offense, and who the sentencing court upon notification did not require that the confinee remain confined for remainder of the sentence. Under the provisions of the bill, those released from a state jail facility and placed on felony community supervision as a result of this bill would not receive credit toward their sentence for any time spent in an intermediate sanction facility.

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. In fiscal year 2010, there were 23,357 admissions to state jail and the average sentence length for these admissions was 10 months. After removing from this group those with a previous felony conviction for a violent offense, those with a previous conviction for a sexual offense, and those who are members of a security threat group approximately 22,744 would be subject to the provisions of the bill. Based on the average sentence length of 10 months, the average maximum period confinement would be reduced by 3 months. Assuming all 22,744 placements received 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 7 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