

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 6, 2011

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

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

IN RE: HB3538 by Thompson (Relating to the release of certain inmates on medically recommended intensive supervision or on super-intensive supervision parole.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3538, As Introduced: a positive impact of \$18,464,670 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	\$10,484,443
2013	\$7,980,227
2014	\$11,248,484
2015	\$13,721,966
2016	\$15,821,265

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2012	\$10,484,443
2013	\$7,980,227
2014	\$11,248,484
2015	\$13,721,966
2016	\$15,821,265

Fiscal Analysis

The bill would amend the Government Code as it relates to the release of certain inmates onto medically recommended intensive supervision or onto super-intensive supervision parole.

The bill would take effect September 1, 2011 and require the release on supervision those elderly offenders eligible for release no later than January 1, 2012. The provisions related to discretionary mandatory supervision would apply to the release of offenders on or after the effective date of the Act regardless of when the offense for which the offender is serving a sentence was committed.

Methodology

Under the provisions of the bill, the Board of Pardons and Paroles would be required (BPP) to release on super-intensive supervision an elderly inmate, defined as 55 years of age or older, who reaches parole eligibility and is not serving a sentence for violent offenses referenced in various chapters of

the Penal Code and the Code of Criminal Procedure, or is subject to a major disciplinary action within the 60-day period preceding the inmate's scheduled release date. The bill would also require the BPP to release on medically recommended intensive supervision an inmate who has been identified by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) through an examination by at least two physicians, as being terminally ill, requiring long-term care, being in a persistent vegetative state, or having an organic brain syndrome with significant to total mobility impairment unless the inmate is sentenced to death or life without parole. Under the provisions of the bill, the BPP would be allowed to consider 3g offenders and sex offenders for release to discretionary medically recommended intensive supervision. The bill would also permit the BPP to release on discretionary medically recommended intensive supervision an inmate who has been identified by TCOOMMI through an examination by at least two physicians as being elderly, having a physical disability, or being a person with a mental illness or mental retardation.

Requiring the automatic release of offenders 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, the BPP considered 96,451 cases (77,540 cases for release to parole supervision and 18,911 cases for release to discretionary mandatory supervision) for release to parole supervision. Of those cases reviewed, 62,920 were denied release (53,416 cases for release to parole supervision and 9,504 cases for release to discretionary mandatory supervision). After removing those cases for inmates younger than 55 and those ineligible for release as outlined in the provisions of the bill there were 1,450 offenders who would have been released to super-intensive supervision parole during the first year as a result of the provisions of the bill. In fiscal year 2010, there were 19 offenders who would have been eligible for release to medically recommended intensive supervision as a result of the provision of the 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. Savings of incarceration by 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 \$25.19 per day per offender on super-intensive parole supervision.

It is likely an additional number of currently incarcerated inmates would be released earlier as a result of the bill but the number and the savings realized would be contingent on the number of inmates who were 55 or older, who were not subject to disciplinary action within the last 60, who also were incarcerated for parole eligible offenses on the effective date of the bill, and the ability of the Texas Department of Criminal Justice to process offenders for release.

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