

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: HB3691 by Gallego (Relating to community supervision and corrections departments and community justice plans.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined at this time

The bill would amend Government Code Section 76.002 to change from permissive to a requirement that the Texas Board of Criminal Justice adopt rules regarding contracts between community supervision and corrections departments (CSCDs) and between judicial districts and CSCDs established for another judicial district. The bill would amend Government Code, Section 76.003 to add CSCD directors as members of community justice councils. The bill would amend the Government Code to require the Board of Criminal Justice (TDCJ) to consider various reports before approving the Department of Criminal Justice Legislative Appropriations Request (LAR). The reports would be submitted to the Legislative Budget Board (LBB) with the LAR. The bill would amend Government Code, Section 509.004 to require the Community Justice Assistance Division (CJAD) of TDCJ to prepare a report that contains a summary of the programs and services included in each Community Justice Plan submitted by community supervision and corrections departments (CSCDs) which would also be submitted to the LBB with TDCJ's LAR. The bill would amend Government Code, Section 509.007 to move the submission of CSCD community justice plans to even-numbered years, and to add information regarding the CSCD's program, services, and projected programmatic and budgetary needs to the community justice plan. The bill would permit CSCDs or a regional partnership of CSCDs to submit a commitment reduction plan which must include a reduction target, relative to the number of offenders sentenced to TDCJ in the previous fiscal year for non-violent offenses that the CSCD intends to meet regarding the number of direct sentencing commitments and/or community supervision revocations. If CJAD determines that a CSCD's or a regional partnership of CSCD's target could create a savings to the State, CJAD may award the CSCD a one-time lump sum equal to 35 percent of the savings and may also provide incentive payments for a certain achievements over a two-year period. The CSCD or regional partnership of CSCDs must pledge to repay a percentage of the lump sum received equal to the percentage by which the county or counties failed to reach the target. CJAD would be required to deduct from future state aid payments or incentive payments paid to a CSCD or a regional partnership of CSCDs an amount equal to the amount of any pledge that remains unpaid on the 31st day after the last day of the fiscal year in which a lump sum is awarded. The bill would take effect September 1, 2011.

The portions of the bill related to reporting and LAR submission would have no significant impact on TDCJ. According to the Texas Department of Criminal Justice, the fiscal impact of the bill cannot be determined because the number of CSCDs that would submit a commitment reduction plan cannot be determined, and the amount of savings that would potentially be gained from the actions of the bill cannot be estimated.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time because we cannot determine the number of CSCDs or regional partnerships of CSCDs that would participate in the commitment reduction program.

Source Agencies:

LBB Staff: JOB, ESi, GG, AI