

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 14, 2011

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

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

IN RE: SB166 by Shapiro (Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would transfer the functions related to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment (CSOT) at the Department of State Health Services (DSHS), to the Office of Violent Sex Offender Management (Office), a new agency created by the bill that would be responsible for providing monitoring and treatment of civilly committed sex offenders. DSHS indicates that the fiscal year 2011 appropriation for the sex offender civil commitment program was \$3,969,047 (this reflects the 2.5 percent reduction for this program) and that there were 17.5 Full-Time-Equivalent (FTE) positions associated with the program. Based on the provisions in the bill, it is anticipated that this funding, the 17.5 associated FTEs as well as all other assets, duties, powers, obligations and liabilities will be transferred to the new Office, beginning September 1, 2011 (the effective date of the bill).

The sex offender civil commitment program at DSHS is currently funded through an interagency contract with the Judiciary Section of the Comptroller's Department; the new agency created by the bill could be funded by direct appropriations instead of through an interagency contract. Since current CSOT resources could be transferred to the new entity, there is no significant fiscal impact to the state.

The bill creates a governing board associated with the Office and would entitle members of the board to reimbursement for certain expenses. Reimbursement would not be permissible without specific authorization in the General Appropriations Act. The bill also authorizes the new Office to apply for and accept grants and donations to be used in the performance of its duties, and requires the Office to prepare public information describing its functions and procedures and to prepare a biennial report for the Legislature concerning its operation. It is assumed that any additional responsibilities associated with the new Office could be absorbed within existing resources.

The bill does not transfer the licensing function of the CSOT, which currently licenses approximately 450 sex offender treatment providers, to the new Office. This function and the CSOT would remain at DSHS. It is assumed that any ongoing costs associated with the licensing function could be absorbed within existing DSHS resources.

It is also assumed that the responsibilities of the Special Prosecution Unit of Walker County, which initiates and pursues civil commitment proceedings, are not transferred to the Office. Funding for the Special Prosecution Unit of Walker County is included in the appropriations for the Judiciary Section of the Comptroller's Department.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 537 State Health Services, Department of
LBB Staff: JOB, ESi, MB, JF, NB