

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 15, 2013

TO: Honorable Tan Parker, Chair, House Committee On Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB431 by Riddle (relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision and to reconsideration of parole eligibility for those inmates.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB431, Committee Report 1st House, Substituted: a negative impact of (\$5,969,984) through the biennium ending August 31, 2015.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

Fiscal Analysis

The bill would amend the Government Code as it relates to mandatory supervision eligibility and parole reconsideration for inmates convicted of certain child-injury offenses. Under the provisions of the bill, an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child. Also under the provisions of the bill, the Board of Pardons and Paroles (BPP)

could delay reconsidering the release of these offenders to parole for up to five years after the date of the previous denial.

The bill would take effect on September 1, 2013. The bill's provisions that affect mandatory supervision would only apply to offenses committed on or after the date the bill takes effect. The bill's provisions that affect delaying parole reconsideration would apply to offenses committed before, on, or after the date the bill takes effect.

Methodology

In fiscal year 2012, an estimated 595 offenders were admitted to prison for a second- or third-degree felony child-injury offense. Among prison admissions in fiscal year 2012, 395 offenders admitted to prison are assumed to have past felony convictions for child injury. This assumption is based on an analysis of prior arrests and felony conviction rates. Therefore, an estimated 990 offenders were admitted to prison in fiscal year 2012 for offenses affected by the bill, and 915 of these admissions were eligible for mandatory supervision.

The bill's provisions would also affect offenders incarcerated in a prison on the date the bill takes effect. At the end of fiscal year 2012, an estimated 1,289 offenders were incarcerated in prison for a second- or third-degree felony child-injury offense, and 1,765 offenders were estimated to have past felony convictions for injury to a child. Therefore, an estimated 3,054 offenders will be in prison when the bill takes effect, and 2,823 of these prisoners are estimated to be eligible for mandatory supervision.

By allowing the BPP to delay reconsideration of these offenders for release to parole, the bill's provisions could increase the length of incarceration for prisoners convicted of certain offenses involving child injury. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, the bill's provisions do not affect parole eligibility criteria and only provide the BPP the option to delay reconsideration; therefore, it is assumed the BPP would make similar parole approval decisions under the bill's provisions as before these provisions were enacted. It is assumed that these provisions would not have a significant impact on length of stay and, as a result, would not significantly impact state correctional agencies' workload and programs.

Also under the provisions of the bill, offenders convicted of certain child-injury offenses would be ineligible for release under mandatory supervision. This change is expected to increase the length of their incarceration. In the case of the bill, it is assumed that the number of prisoners affected by this statute would significantly impact state correctional agencies' workload and programs. Among fiscal year 2012 prison releases, offenders who were convicted of certain child-injury offenses and released to mandatory supervision had an average length of stay of 1,021 days. Since mandatory supervision would no longer be a release option for these offenders, they would be released under parole supervision or discharged upon completion of their entire sentence. Their length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners who were convicted of certain child-injury offenses and discharged or released to parole.

In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations convicted of certain child-injury offenses and released from prison. Costs of incarceration to the Texas Department of Criminal Justice are estimated on the basis of \$50.04 per inmate per day for prison facilities. Since fewer prisoners would be released to parole supervision, savings to parole supervision are estimated on the basis of \$3.63 per offender per day.

Local Government Impact

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

Source Agencies:

LBB Staff: UP, ESi, GG, JGA