

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 6, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB517** by Pitts (Relating to the eligibility of inmates convicted of certain intoxication offenses for release on parole or mandatory supervision.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB517, As Introduced: a negative impact of (\$50,173,990) through the biennium ending August 31, 2015.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	(\$4,787,609)
2015	(\$45,386,381)
2016	(\$57,502,176)
2017	(\$63,816,767)
2018	(\$67,626,099)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>
2014	(\$4,787,609)
2015	(\$45,386,381)
2016	(\$57,502,176)
2017	(\$63,816,767)
2018	(\$67,626,099)

**Fiscal Analysis**

The bill would amend the Government Code as it relates to the eligibility of inmates convicted of certain intoxication offenses for release on parole or mandatory supervision. Under the provisions of the bill, inmates serving a sentence for certain intoxication offenses may not be released to mandatory supervision and may only be released to parole supervision once inmates' actual time served (without consideration of good conduct time) equals one-half of the sentence or 30 calendar years, whichever is less, but no less than two calendar years.

The bill would take effect on September 1, 2013, and only apply to offenses committed on or after that date.

## **Methodology**

In fiscal year 2012, 4,490 offenders were admitted to prison for intoxication offenses specified in the bill, which reflect 10.1 percent of all prison admissions. The bill is expected to increase the length of incarceration for many of these offenders. To assess the impact on incarceration length, the actual release patterns for offenders released in fiscal year 2012 were compared to the expected release patterns for these offenders were the bill implemented.

Among fiscal year 2012 prison releases, 4,582 offenders were incarcerated for intoxication offenses specified in the bill. For 3,876 of these offenders, the bill's provisions would have set their initial parole eligibility date after the date of their actual release in fiscal year 2012. It is assumed that the bill would only affect these offenders. Since the Board of Pardons and Paroles (BPP) approved these offenders to be released to parole or mandatory supervision before the new parole eligibility date (as set by the bill's provisions), it is assumed that the BPP would release these offenders to parole on their new parole eligibility date. For this analysis, each of the 3,876 offenders were assigned a new parole eligibility date based on the bill's provisions and were assumed to be released on that date. The new length of stay was calculated for each offender and compared against their actual length of stay. The new average length of stay for these offenders would be 997 days (or 2.7 years) while the actual average length of stay for these offenders was 566 days (or 1.5 years) in fiscal year 2012. The bill's provisions would thereby increase the average length of stay for each affected offender by 431 days (or 1.2 years).

To estimate the future impact, the daily costs of Texas Department of Criminal Justice (TDCJ) incarceration are estimated to be \$50.04 per inmate for prison facilities, reflecting approximate costs of TDCJ operating facilities or contracting with other entities. Since fewer offenders would be released to parole supervision, daily savings to parole supervision are estimated to be \$3.63 per offender. In fiscal year 2014, the cost is estimated to be \$5,162,076, which reflects the number of additional days affected offenders were incarcerated in fiscal year 2014 (103,159 days) times the total daily incarceration cost per offender (\$50.04). The fiscal year 2014 savings are estimated to be \$374,467, which reflects the number of fewer days affected offenders were under parole supervision in fiscal year 2014 (103,159 days) multiplied by the total supervision cost per offender (\$3.63). The net fiscal impact is therefore an additional \$4,787,609 (or \$5,162,076 minus \$374,467).

The fiscal impact of the bill grows substantially from the first year to the second year of implementation because most offenders affected by the bill would have served at least a year of incarceration regardless of the bill's implementation. Therefore, the bill's provisions extending incarceration length would only reach partial effect in the first year and realize increasing effects in later years of the analysis.

## **Local Government Impact**

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

### **Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA