

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

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

**April 8, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB990** by Thompson, Senfronia (Relating to the establishment of a sentencing policy, accountability, and review council to develop means to assess the effect of sentencing practices and policies on state correctional resources and improve the efficiency of the state criminal justice system.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB990, As Introduced: a negative impact of (\$1,145,513) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	(\$882,424)
2015	(\$263,089)
2016	\$0
2017	\$0
2018	\$0

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
2014	(\$882,424)
2015	(\$263,089)
2016	\$0
2017	\$0
2018	\$0

<b>Fiscal Year</b>	<b>Change in Number of State Employees from FY 2013</b>
2014	3.0
2015	3.0
2016	0.0
2017	0.0
2018	0.0

## **Fiscal Analysis**

The bill would implement a recommendation in the report, "Establish A Permanent Mechanism to Review Sentencing Policies and Control Criminal Justice Costs" in the Legislative Budget Board's Government Effectiveness and Efficiency Report submitted to the Eighty-third Texas Legislature, 2013.

The bill would amend the Texas Code of Criminal Procedure to establish a permanent Sentencing Policy, Accountability, and Review Council. The council would be comprised of 20 members and would meet every ten years, subject to funding. Members would be appointed no later than January 31st of each 10th anniversary of the date on which appointments were most recently made under the provisions of this bill. Members would serve without compensation but would be reimbursed for travel expenses per Chapter 660, Government Code and the General Appropriations Act.

The bill outlines the council's duties including conducting an in-depth analysis of sentencing practices used throughout the state criminal justice system and identifying disparities between the severity of offenses and their prescribed penalties and determine appropriate adjustments. The bill would require Legislative Budget Board staff to assist the council in fulfilling its duties. A report detailing the council's findings and recommendations would be due no later than January 1, immediately preceding the next regular legislative session that initially convenes following the appointment of members. The bill authorizes the council to contract with a governmental or nongovernmental entity to complete the report.

The bill would require that initial member appointments be made no later than the 30th day after the effective date of the bill and specifies that terms would expire on the last day of the 84th Regular Legislative Session. The first report would be due no later than January 1, 2015. The bill would take effect immediately if it received the requisite two-thirds vote of each chamber. Otherwise, it would take effect September 1, 2013.

## **Methodology**

The biennial cost of \$1.1 million in General Revenue Funds includes the cost to staff the council and to contract for data collection from felony offender files. Three full-time equivalents would be hired to help the council fulfill its duties: an administrative assistant, an entry level attorney, and a director to oversee the operations of the council. Personnel costs include salaries and benefits, office supplies, office space, travel and housing expenses, and resources needed to provide support to the 20 members of the council.

Another component of the fiscal impact is the cost associated with the collection of sentencing

information for a sample of felons convicted in select counties in Texas. Data collection will require detailed data coding of individual cases providing offense, disposition, incident, sentence, and offender characteristics. Data for a 1991 sentencing study was obtained by contracting with each of the selected urban and rural counties. The former Criminal Justice Policy Council hired approximately 125 prosecutors and administrative staff to code over 7,700 felony offender files. Based on this information and previous studies requiring data coding conducted by the LBB, the proposed study would require the coding of 10,000 offender files at approximately two hours per file.

### **Technology**

No impact to technology is expected as a result of the provisions of this bill.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, ESi, JI, YD