

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 9, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2541 by Villalba (Relating to the penalty for certain family violence offenses and to the eligibility of inmates convicted of certain family violence offenses for release on parole or mandatory supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2541, As Introduced: a negative impact of (\$11,221,639) 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	(\$3,037,775)
2015	(\$8,183,864)
2016	(\$11,738,090)
2017	(\$14,288,467)
2018	(\$16,790,717)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1
2014	(\$3,037,775)
2015	(\$8,183,864)
2016	(\$11,738,090)
2017	(\$14,288,467)
2018	(\$16,790,717)

Fiscal Analysis

The bill would amend the Penal Code, Code of Criminal Procedure and Government Code as it relates to the offense of assault involving family violence. Under the provisions of the bill persons convicted three or more times for this offense would be subject to a second degree felony whereas under current law they are subject to a third degree felony. The bill also provides that offenders meeting these conditions who are placed on community supervision would be sent to prison for two to twenty years. Offenders meeting these conditions who are sent to prison would

not be eligible to be released to parole supervision until their 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.

Methodology

In fiscal year 2012, a total of 2,127 offenders were admitted to prison for the offense of assault involving family violence. 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, 1,422 offenders were incarcerated for assault involving family violence. For 228 of these offenders, the bill's provisions would have increased their initial sentence and 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. Therefore, in this analysis, each of the 228 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 841 days (2.3) years while the actual average length of stay for these offenders was 437 days (1.2 years) in fiscal year 2012. The bill's provisions would thereby increase the average length of stay by 404 days (or 1.1 years).

In fiscal year 2012, there were a total of 9,371 placements on probation for assault with family violence, with 855 placed for assault family violence involving at least two convictions. A total of 137 of these offenders would be subject to the two year minimum sentence in the Texas Department of Criminal Justice specified in the bill.

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. Since fewer offenders would be released to parole supervision, daily savings to parole supervision are estimated to be \$3.63 per offender. For example, in fiscal year 2014, the cost is estimated to be \$3,079,662, which reflects the total number of additional days all affected offenders remain incarcerated in fiscal year 2014 as well as the additional days in incarceration for those placed on community supervision multiplied by the total cost per day per offender. The fiscal year 2014 savings are estimated to be \$41,887, which reflects the number of fewer days affected offenders were under parole supervision in fiscal year 2014 multiplied by the total supervision cost per offender (\$3.63). The net fiscal impact is therefore \$3,037,775 (or \$3,079,662 minus \$41,887).

Local Government Impact

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

Source Agencies:

LBB Staff: UP, ESi, GG, JPo