

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

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

**April 15, 2013**

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

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

**IN RE: HB2596** by Davis, Yvonne (Relating to the punishment for defendants who commit aggravated sexual assault.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2596, As Introduced: a negative impact of (\$677,437) 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	(\$128,788)
2015	(\$548,649)
2016	(\$1,764,415)
2017	(\$4,027,692)
2018	(\$7,815,444)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>
2014	(\$128,788)
2015	(\$548,649)
2016	(\$1,764,415)
2017	(\$4,027,692)
2018	(\$7,815,444)

**Fiscal Analysis**

The bill would amend the Government Code and Penal Code as it relates to the punishment for aggravated sexual assault. Under current law aggravated sexual assault is punishable as a first degree felony and, under certain circumstances the minimum term of imprisonment is 25 years without the possibility of parole. Under the provisions of the bill aggravated sexual assault would be punishable as a first degree felony with a minimum term of imprisonment of 25 years without the possibility of parole, and under certain circumstances the offense would be punishable by life in prison without the possibility of parole. The bill takes effect September 1, 2013 and applies

only to an offense committed on or after the effective date of this act.

### **Methodology**

In fiscal year 2012, a total of 968 offenders were admitted to prison for the offense of aggravated sexual assault. The bill is expected to increase the length of incarceration for many of these prisoners. To assess the impact on incarceration length, the actual release patterns for prisoners released in fiscal year 2012 were compared to the expected release patterns for these prisoners were the bill implemented.

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 prisoners 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 \$138,861, which reflects the total number of additional days all affected prisoners remain incarcerated in fiscal year 2014 times the total cost per day per inmate. The fiscal year 2014 savings are estimated to be \$10,073, which reflects the number of fewer days affected prisoners were under parole supervision in fiscal year 2014 times the total supervision cost per prisoner (\$3.63). The net fiscal impact is therefore \$128,788 (or \$138,861 minus \$10,073). In subsequent years, the bill's fiscal impact will increase as additional offenders are subject to the bill's provisions.

### **Local Government Impact**

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

**Source Agencies:** 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

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