

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 23, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2650 by Allen (Relating to the Criminal Justice Legislative Oversight Committee, the appointment of members, and the members' duties and responsibilities.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2650, As Introduced: a negative impact of (\$254,760) 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$127,380)
2015	(\$127,380)
2016	(\$127,380)
2017	(\$127,380)
2018	(\$127,380)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2013
2014	(\$127,380)	2.0
2015	(\$127,380)	2.0
2016	(\$127,380)	2.0
2017	(\$127,380)	2.0
2018	(\$127,380)	2.0

Fiscal Analysis

The bill would amend the Government Code to expand the responsibilities of the Criminal Justice Legislative Oversight Committee (committee) to include the inspection of no less than 25 state prisons every two years. The bill would require the committee to provide for the regular inspection of each correctional facility and submit reports to the Legislative Budget Board (LBB)

once every six months at a regularly scheduled meeting and the Legislature once every two years not later than the 15th day after the date a regular session of the Legislature convenes.

The bill would require the Department of Criminal Justice (TDCJ) to allow a committee member or its staff to access and inspect any part of a correctional facility without advance notice. The bill would also require TDCJ to allow any person imprisoned or confined in a correctional facility, or any correctional officer or employee of a correctional facility, to communicate in person or by mail with a member of the committee or its staff. The bill would establish that such communications would be confidential and would prohibit TDCJ from opening any letter between an inmate and a committee member or take any adverse action against a prisoner, correctional officer or employee as a result of any communication between a prisoner and the committee or its staff.

The bill would take effect immediately upon receiving a two-thirds majority vote; otherwise, the bill would take effect September 1, 2013.

Methodology

This analysis is based on information provided by TLC. Funding to support the operation of the committee is currently provided from General Revenue funds appropriated to the Texas Legislative Council (TLC) and it is assumed that will continue in subsequent fiscal years.

TLC consulted with the Texas Commission on Jail Standards and TDCJ to determine what would be necessary to implement the provisions of the bill. TLC estimates an additional 2.0 Full-Time-Equivalent positions (one inspector and one administrative support employee) each fiscal year would be necessary to accomplish the responsibilities of the bill. Salaries and benefit costs for these positions would be \$110,280 each fiscal year. It is also assumed that travel costs of \$17,100 would be necessary each fiscal year to provide for the inspector to spend approximately two weeks evaluating each facility. The table above reflects an effective date of September 1, 2013. If the bill were to take immediate effect, it is assumed that costs of \$21,124 would be realized in fiscal year 2013 and that the additional two positions would be filled as of July 1, 2013.

The Office of the Attorney General (OAG) indicates an increase in workload may be possible based on a potential increase in lawsuits as a secondary result of the provisions of the bill; however, this analysis assumes the OAG could implement the provisions of the bill within existing resources. This analysis also assumes that responsibilities and duties associated with implementing the provisions of the bill applicable to the LBB and TDCJ could be accomplished within existing resources.

Local Government Impact

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

Source Agencies: 103 Legislative Council, 302 Office of the Attorney General, 696 Department of Criminal Justice

LBB Staff: UP, ESi, MW