

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 4, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2736** by White (Relating to the placement on community supervision of certain defendants convicted of a state jail felony.), **Committee Report 1st House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the frequency and speed at which community supervision offenders commit their first violation.

The bill would amend the Code of Criminal Procedure as it relates to the placement on community supervision of certain defendants convicted of a state jail felony. Except in cases where the offender was previously placed on deferred adjudication community supervision for the offense or those cases where the offense makes the offender ineligible, the bill's provisions would require offenders incarcerated for state jail offenses to be released to community supervision after serving half their sentence, including time credits earned through the diligent participation program. For certain offenders, the term of community supervision could last no longer than two years. Once placed on community supervision, the judge must retract any time credits earned through the diligent participation program and require the defendant to be reincarcerated for the remainder of the original sentence if the defendant violates a single condition of community supervision. The bill would also require the Texas Department of Criminal Justice (TDCJ) to contact the sentencing court and provide the court with the date on which the offender will complete half of the sentence imposed. TDCJ would also be required to determine the cost savings realized through the release of defendants on community supervision and provide a portion of that savings to be allocated to probation departments.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house and would only apply to offenses committed on or after that date. Otherwise, the bill would take effect on September 1, 2013, and only apply to offenses committed on or after that date.

The bill replaces a period of incarceration with a period of community supervision. Shifting offenders from incarceration to supervision is expected to decrease demands upon state and/or county correctional resources since supervision is less costly than incarceration. The bill may have a positive fiscal impact by decreasing the number of people incarcerated within state correctional institutions for state jail felonies. Whether the bill would result in a significant amount of savings to the state is indeterminate due to a lack of statewide data on the number of offenders on community supervision who commit one or more violations and, of those offenders who commit a violation, the length of time until offenders commit their first violation. If a sufficient number of offenders are revoked, the bill's positive fiscal impact could be reduced or negated.

Local Government Impact

Williamson County Community Supervision and Corrections Department (CSCD) estimates costs of \$120,000 to hire two new staff members and cover services for additional offenders, but this cost would be offset by an estimated \$120,000 in state reimbursement. There would also be new additional revenue in the form of supervision fees from these offenders, which Williamson County CSCD estimates would be \$54,000 annually, providing a positive net fiscal impact to the county.

Bexar County CSCD, Nueces County CSCD, Wharton/Matagora County CSCD, and Jefferson County Adult Probation anticipate no significant fiscal impact associated with the bill.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: UP, LM, KKR, ESi, GG, JGA