

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 16, 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.), **As Introduced**

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 when the defendant was previously placed on deferred adjudication community supervision for the offense, the bill's provisions would require defendants incarcerated for state jail offenses other than certain drug offenses to be released to community supervision after serving half their sentence, including time credits earned through the diligent participation program. 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 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

Wharton County Community Supervision and Corrections Department (CSCD) assumes 100

offenders being added to community supervision for the bill, which would require the hiring of one supervision officers at the cost of \$46,000 annually. This cost would be offset in part by state funding and fees.

Bexar County CSCD projects that 1,424 offenders annually who would currently be sent to state jail would be placed on community supervision under the provisions of the bill. This would require 14 supervision officers, 1 manager, and 3 administrative positions to process. Bexar County CSCD anticipates costs of \$1,011,000 for fiscal year 2014, \$889,250 for fiscal year 2015, \$930,988 for fiscal year 2016, \$977,312 for fiscal year 2017, and \$1,020,827 for fiscal year 2018 for training, equipment, and salary and benefits to comply with the bill. This would be partially offset by \$170,880 annually in court-ordered fees, assuming a 20 percent collection rate. Net impact to Bexar County CSCD would be a moderate cost.

Source Agencies: 696 Department of Criminal Justice

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