

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 26, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2809 by Toth (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2809, Committee Report 1st House, Substituted: a negative impact of (\$585,509) 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	(\$124,936)
2015	(\$460,573)
2016	(\$983,846)
2017	(\$1,643,796)
2018	(\$2,357,906)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2014	(\$124,936)
2015	(\$460,573)
2016	(\$983,846)
2017	(\$1,643,796)
2018	(\$2,357,906)

Fiscal Analysis

The bill would amend the Penal Code as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders. Under the provisions of the bill, certain offenders serving a sentence for continuous trafficking of a person or a sexually violent offense who had previously been convicted of any of those offenses would receive a sentence of life without parole. The bill expands offenses subject to this punishment by adding continuous trafficking of a person; sex trafficking; indecency with a child; sexual assault; sexual performance by a child; aggravated

kidnapping with sexual intent; and burglary with intent to commit any of the previously-referenced offenses, indecency with a child, or prohibited sexual conduct.

Methodology

Among fiscal year 2012 prison releases, 1,400 offenders were incarcerated for offenses that would now receive a punishment of life imprisonment if the offender met prior conviction requirements. An estimated 52 of these offenders would meet the prior conviction requirements. This estimate is based on the arrest history of the 1,400 offender release cohort and recent conviction rates for sex offenses. Each of the 52 prisoners was assigned a new length of stay based on the average life span of offenders who pass away in prison. 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 9,308 days (or 25.5 years) while the actual average length of stay for these offenders was 1,098 days (or 3.0 years) in fiscal year 2012. The bill's provisions would thereby increase the average length of stay by 8,210 days (or 22.5 years).

To estimate the future impact, the daily costs of Texas Department of Criminal Justice (TDCJ) incarceration are estimated to be \$50.04 per offender 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 \$134,708, which reflects the total number of additional days all affected offenders would remain incarcerated in fiscal year 2014 (2,692 days) times the total cost per day per offender (\$50.04). The fiscal year 2014 savings are estimated to be \$9,772, which reflects the number of fewer days affected offenders would be under parole supervision in fiscal year 2014 (2,692 days) times the total supervision cost per offender (\$3.63). The net fiscal impact is therefore \$124,936 (or \$134,708 minus \$9,772).

In the third and subsequent two years following the bill's implementation, the fiscal cost continues to grow, though at a slower rate, since the bill applies to additional cohorts of newly admitted offenders. The costs are expected to continue to increase slightly each year following the first five years of the bill's implementation and are expected to level off after the first cohort of affected offenders are released, approximately 22.5 years from the date of the bill's implementation.

Local Government Impact

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

Source Agencies:

LBB Staff: UP, JGA, ESj, GG