

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2842** by Wu (Relating to the eligibility of certain persons convicted of engaging in organized criminal activity for community supervision or release on parole or to mandatory supervision.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2842, Committee Report 1st House, Substituted: a negative impact of (\$2,157,415) 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	(\$539,191)
2015	(\$1,618,224)
2016	(\$2,524,959)
2017	(\$3,238,931)
2018	(\$3,918,095)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2014	(\$539,191)
2015	(\$1,618,224)
2016	(\$2,524,959)
2017	(\$3,238,931)
2018	(\$3,918,095)

Fiscal Analysis

The bill would amend the Government Code and Code of Criminal Procedure as it relates to the eligibility of certain persons convicted of engaging in organized criminal activity for community supervision or release on parole or to mandatory supervision. Under the provisions of the bill, certain inmates serving a sentence for engaging in organized criminal activity would be ineligible for mandatory supervision and would be a 3g offense (i.e., ineligible for parole until their actual

calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but no less than two calendar years). Additionally, if an offender committed certain in organized criminal activity offenses that is less than a first-degree felony and conspires or commits any 3g offense, then the organized criminal activity offense becomes a 3g offense.

Methodology

In fiscal year 2012, 616 offenders were admitted to state correctional facilities for organized criminal activity. The bill is expected to increase the length of incarceration for many of these offenders. 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.

Among fiscal year 2012 prison releases, 584 offenders were incarcerated for organized criminal activity. Under the provisions of the bill, these offenders would be ineligible for release on parole until they served, without consideration of good-conduct time, at least one-half of their sentences or 30 years, whichever is less, but no less than two years. It is assumed that the bill would only affect those offenders released prior to this new minimum requirement for time served. Among fiscal year 2012 releases, the bill would impact 202 parolees and 116 mandatory supervision releases. Since the Board of Pardons and Paroles authorized the release of these offenders prior to the new minimum release date, it is assumed that the Board would approve these offenders to be released on the new minimum release date if the bill were implemented.

The bill's provisions also make certain organized criminal activity offenses that are less than a first-degree felony punishable as 3g offenses if the offender was also convicted of committing or conspiring to commit a 3g offense. Although the number of offenders who conspired to commit a 3g offense is unknown, it is assumed that the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. This provision would only impact those offenders serving non-concurrent sentences for these offenses. Additionally, the impact of these provisions is not expected to occur during the first five fiscal years of implementation. In fiscal year 2012, less than 10 offenders were incarcerated under non-concurrent sentences for both types of offenses.

To estimate the future impact, the daily costs of Texas Department of Criminal Justice 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 \$581,365, which reflects the total number of additional days all affected offenders remain incarcerated in fiscal year 2014 (11,618 days) times the total cost per day per inmate (\$50.04). The fiscal year 2014 savings are estimated to be \$42,173, which reflects the number of fewer days affected prisoners were under parole supervision in fiscal year 2014 (11,618 days) times the total supervision cost per prisoner (\$3.63). The net fiscal impact is therefore \$539,191 (or \$581,365 minus \$42,173). In subsequent years, the fiscal impact is expected to increase as additional offenders are admitted to prison.

Local Government Impact

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

Source Agencies:

LBB Staff: UP, ESI, GG, JGA