

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 19, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB189 by Huffman (Relating to the eligibility of certain inmates convicted of injury to a child for release to mandatory supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB189, As Introduced: a negative impact of (\$5,969,984) through the biennium ending August 31, 2015.
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General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2014	(\$1,826,001)
2015	(\$4,143,983)
2016	(\$5,250,937)
2017	(\$6,111,901)
2018	(\$6,547,114)

Fiscal Analysis

The bill would amend the Government Code as it relates to certain inmates' eligibility for mandatory supervision if they were convicted of injuring a child. Under the provisions of the bill, an inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of a second- or third-degree felony for injuring a child.

The bill increases the length of incarceration for prisoners convicted of offenses including child injury and eligible for mandatory supervision. Increasing the state incarceration period for any

criminal offense is expected to increase demands on state correctional agency resources. In the case of this bill, it is assumed that the number of prisoners affected by this statute would significantly impact state correctional agencies' workload and programs. Among fiscal year 2012 admissions to prison, an estimated 915 offenders would be incarcerated for or have a previous conviction for a second- or third-degree felony for injuring a child, and would otherwise be eligible for mandatory supervision. Under the provisions of this bill, these offenders would be incarcerated for an estimated additional 172 days, on average.

The bill would take effect on September 1, 2013, and only apply to offenses committed on or after that date.

Methodology

In fiscal year 2012, 593 offenders were admitted to prison for a second- or third-degree felony child-injury offense and 10 were admitted for a second- or third-degree offense of injury to a child, elderly person, or disabled person. Of the 10 offenders incarcerated for general injury offenses, 2 of these offenders are assumed to have committed an injury to a child based on the proportion of victim-specified injury offenses that specify a child victim (20 percent). Among prison admissions in fiscal year 2012, 395 offenders are assumed to have past felony convictions for injury to a child. This assumption is based on an analysis of prior arrests including child injury for fiscal year 2012 admissions who were not incarcerated for a second- or third-degree felony child-injury offense as well as estimated felony conviction rates. Approximately 915 of these 990 admissions were eligible for mandatory supervision.

Among fiscal year 2012 prison releases, the average length of incarceration for second- and third-degree child-injury offenses was 1,021 days for those released to mandatory supervision. Since mandatory supervision would no longer be a release option for these offenders, they would only be released under parole supervision or discharged upon completion of their entire sentence. This length of incarceration is expected to increase by 172 days based on a weighted average of the length of incarceration for fiscal year 2012 prisoners released to parole or discharged without supervision.

In order to estimate the future impact, the proposed conditions of the bill have been analyzed using recent trends observed in populations admitted to and released from prison for second- and third-degree injury to a child offenses. Costs of incarceration to the Texas Department of Criminal Justice (TDCJ) are estimated on the basis of \$50.04 per inmate per day for prison facilities, reflecting approximate costs of either operating facilities or contracting with other entities. Since fewer prisoners would be released to parole supervision, savings to parole supervision are estimated on the basis of \$3.63 per offender per day.

Local Government Impact

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

Source Agencies:

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