

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 18, 2013**

**TO:** Honorable Tan Parker, Chair, House Committee on Corrections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB991** by West (Relating to the release of certain inmates on medically recommended intensive supervision.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

Among other provisions, the bill would implement recommendations in the report "Revise Medically Recommended Intensive Supervision Eligibility Criteria to Improve Identification of Qualifying Offenders" in the Legislative Budget Board's Government Effectiveness and Efficiency Report, submitted to the Eighty-third Texas Legislature, 2013.

The bill would amend the Government Code to allow an inmate, other than an inmate serving a death sentence, life without parole, or a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, to be released on medically recommended intensive supervision (MRIS) only if the inmate has a terminal illness diagnosed by a physician and does not pose a threat to public safety.

The bill would define terminal illness as an incurable illness or condition diagnosed by a physician that requires skilled nursing care, hospice care, or home health care, and is expected to result in death in six months or less regardless of life-sustaining treatment. In addition, it would eliminate eligibility on the basis of age and eligibility for inmates who are physically disabled.

The bill would require the Texas Department of Criminal Justice (TDCJ), the Department of Aging and Disability Services (DADS), and the Health and Human Services Commission (HHSC) to conduct a study regarding the feasibility of contracting with a private entity to house inmates released on MRIS.

Based on LBB's analysis of MRIS referral data, the bill would significantly decrease the number of cases referred for a vote by the Texas Board of Pardons and Paroles (BPP). This analysis assumes that only inmates who are terminally ill would be eligible for release on MRIS. This analysis does not consider the impact of provisions which appear to allow inmates with other medical conditions to be eligible for MRIS consideration and conflict with the change to Government Code Section 508.146 (a). In fiscal year 2012, there were 491 inmates presented to the BPP in all MRIS eligibility categories, with a majority of inmates considered under the long-term care category. Assuming inmates in all other categories would no longer be considered for release on MRIS, the number of cases referred to the BPP would decrease by 64 percent, from 491 to 176 cases. Reducing the numbers of offenders eligible for MRIS is expected to result in increased demands upon the state's correctional resources due to longer terms of confinement in prison. However, it is assumed that this reduction would not significantly impact state correctional agency resources.

The number of offenders screened for MRIS consideration by TCOOMMI would be reduced as a result of the elimination of the physically disabled and elderly categories. In fiscal year 2012, there were 15 cases of physically disabled offenders presented to the BPP. In fiscal year 2011, besides the 12 elderly offenders presented to the BPP, TCOOMMI reviewed an additional 756 inmates identified as "elderly." As a result, eliminating the elderly category as part of the eligibility criteria for MRIS would increase the efficiency of TCOOMMI's screening process by eliminating the number of offenders who qualify solely on age but who are consistently denied MRIS consideration because they do not meet medical criteria.

Based on the LBB's analysis, the provisions of the bill could be accomplished using existing resources.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

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