

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 8, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB991 by West (Relating to the eligibility of certain inmates for release on medically recommended intensive supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow an inmate, other than an inmate serving a death sentence or life without parole, to be released on medically recommended intensive supervision (MRIS) as long as the inmate requires permanent long-term care or has a terminal illness. The bill would also allow inmates with sex offenses, as described in Chapter 62, Code of Criminal Procedure, to be considered for release on MRIS as long as the offender has a severe and persistent mental illness or intellectual developmental disability.

The bill would eliminate eligibility on the basis of age. Under the bill, inmates identified as elderly by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) in conjunction with the Correctional Managed Health Care Committee would no longer be considered for release on medically recommended intensive supervision. The bill would also eliminate eligibility for inmates who are physically disabled, mentally ill, and mentally retarded.

Based on the LBB's analysis of MRIS referral data, the bill would slightly decrease the number of cases found eligible by TCOOMMI and referred for a vote by the BPP's MRIS panels. Under current law, most offenders, including offenders with 3g offenses, qualify for MRIS if they are terminally ill or require long-term care. Similarly, the bill would not substantially change the criteria for sex offenders eligible for MRIS release compared to current law.

Few inmates fall under the four MRIS eligibility categories that would be eliminated by the bill (physically handicapped, elderly, mentally ill and mentally retarded). In fiscal year 2012, there were a total of 34 inmates presented to the BPP who were physically handicapped (15), elderly (6), and mentally ill (13). These categories combined comprise 7 percent of all cases presented to the BPP in fiscal year 2012. There were no inmates presented to the BPP who qualified under the mentally retarded category. Of the 34 inmates presented, only two physically handicapped inmates were approved for release on MRIS in fiscal year 2012. As a result, this analysis assumes that the provisions of the bill could be accomplished using existing resources.

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.

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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