

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 14, 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 release of certain inmates on medically recommended intensive supervision.), **Committee Report 1st 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) if the inmate does not pose a threat to public safety and requires permanent long-term care, has a terminal illness, or a severe and persistent mental illness or intellectual and developmental disability. The bill would extend this provision to allow an inmate who is not a citizen of the United States and who is not under a sentence of death or life without parole to be considered for MRIS.

The bill would define terminal illness as an incurable illness or condition that requires skilled nursing care, hospice care, or home health care, and is expected to result in death in one year 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 not significantly affect the number of cases referred for a vote by the Texas Board of Pardons and Paroles (BPP). Under current law, offenders with 3g offenses qualify for release on MRIS if they are terminally ill or require long-term care. The bill would allow for the consideration of 3g offenders with a severe and persistent mental illness or intellectual and development disability for MRIS release. In fiscal year 2012, of all the cases presented to the BPP, 13 were from mentally ill offenders; therefore, it is expected that only a small number of 3g offenders with mental illness or intellectual or developmental disability would be considered for MRIS release. The bill is also not expected to significantly increase the number of inmates who are noncitizens with active detainers released on MRIS.

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.

According to TDCJ, HHSC, and DADS costs related to the study are insignificant and would be absorbed within existing resources. 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: 529 Health and Human Services Commission, 539 Aging and Disability Services, Department of, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: UP, ESi, JI, AHE