

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1173 by West (Relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony.),
Conference Committee Report

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the sentencing practices that would occur if judges could sentence state jail felons to both community supervision and incarceration.

The bill would amend the Code of Criminal Procedure as it relates to the procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony. For a defendant convicted of a state jail felony, the bill's provisions would allow the judge, in certain circumstances, to order a sentence of incarceration followed by a term of community supervision. Under current law, the judge may order a sentence of community supervision or incarceration but not both.

The bill would also require the Texas Department of Criminal Justice (TDCJ) to adopt policies and procedures to determine the related incarceration cost savings. The bill would also require TDCJ to allocate 30 percent of those cost savings to community supervision and corrections departments through payments of state aid. The amount of cost savings is indeterminate due to a lack of data on sentencing practices under the sentencing conditions provided by the bill.

The bill's expansion of judges' sentencing options is expected to decrease demands upon state correctional resources due to shorter terms of confinement in state jail. State jail felons' length of incarceration would be reduced if judges allowed state jail felons to serve part of their term of incarceration under community supervision. Whether the bill would result in significant savings is indeterminate due to a lack of statewide data on judges' sentencing practices under the sentencing conditions provided by the bill.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

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