

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**April 4, 2013**

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

**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. ),  
**Committee Report 1st House, Substituted**

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 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'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

**LBB Staff:** UP, ESi, GG, JGA, KKR