

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 8, 2015

TO: Honorable Jim Murphy, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB271 by Miles (Relating to mandatory supervision for certain offenses involving the possession of a controlled substance.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB271, As Introduced: a positive impact of \$13,177,218 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$6,588,329
2017	\$6,588,889
2018	\$6,607,449
2019	\$6,626,009
2020	\$6,662,774

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2016	\$6,588,329
2017	\$6,588,889
2018	\$6,607,449
2019	\$6,626,009
2020	\$6,662,774

Fiscal Analysis

The bill would amend the Government Code to require the Board of Pardons and Paroles (BPP) to release certain offenders incarcerated in the Texas Department of Criminal Justice (TDCJ) to Mandatory Supervision (MS). Under the provisions of the bill, offenders serving a sentence for certain third degree felony drug offenses would be released to parole supervision once their

calendar time and good conduct time equaled the full term of their sentence. Offenders who are required to register as a sex offender or have previous convictions for offenses under Title V of the Penal Code would not be subject to the bill's provisions.

Methodology

Currently, most offenders incarcerated in TDCJ are eligible for release under Discretionary Mandatory Supervision (DMS) once their calendar time and good conduct time equal the full term of their sentence. DMS requires the BPP to approve the offender's release, subject to certain criteria. MS is an automatic release from TDCJ with no input from BPP.

During fiscal year 2014, there were 353 offenders incarcerated in TDCJ who met the bill's criteria for MS release and were not approved for DMS release. Under the provisions of the bill, these offenders would have been automatically released to MS instead of being denied release by the BPP through the DMS review process.

Based on the adult incarceration projections included in the *February 2015 Adult and Juvenile Correctional Population Projections* report, and assuming all other sentencing and release policies remained constant, the bill's provisions would result in net savings of \$6,588,329 during fiscal year 2016. These net savings include \$7,111,768 in incarceration savings and \$523,439 in additional costs to parole supervision. Savings are based on the TDCJ systemwide cost per day per offender of \$54.89 and costs are based on the TDCJ parole supervision cost per day per offender of \$4.04, as reported in the *February 2015 Criminal and Juvenile Justice Uniform Cost Report*.

Local Government Impact

No significant 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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