

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 25, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB272** by Miles (Relating to mandatory supervision for certain inmates sentenced following violation of a condition of community supervision.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB272, As Introduced: a positive impact of \$13,047,144 through the biennium ending August 31, 2017.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	\$6,532,496
2017	\$6,514,648
2018	\$6,496,088
2019	\$6,496,088
2020	\$6,532,496

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>
2016	\$6,532,496
2017	\$6,514,648
2018	\$6,496,088
2019	\$6,496,088
2020	\$6,532,496

**Fiscal Analysis**

The bill would amend the Government Code to allow the automatic release of certain offenders incarcerated in the Texas Department of Criminal Justice (TDCJ) to Mandatory Supervision (MS) without approval from the Board of Pardons and Paroles (BPP). Under the provisions of the bill, certain offenders who were revoked from deferred adjudication community supervision for a technical violation and were not required to register as sex offenders would be automatically released to parole supervision once their calendar time and good conduct time equaled the full term of their sentence.

## **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 354 offenders incarcerated in TDCJ who met the bill's criteria for release under MS and were not approved for release under DMS. Under the provisions of the bill, these offenders would have been automatically released under MS instead of being denied release by the BPP through the DMS review process.

Based on the felony direct community supervision population projections included in the February 2015 *Adult and Juvenile Correctional Population Projections Report*, and assuming the proportion of offenders revoked from deferred adjudication community supervision remains constant, the bill's provisions would result in net savings of \$6,532,496 during fiscal year 2016. These net savings include \$7,051,499 (351 offenders \* 366 days \* 54.89 per day) in incarceration savings and \$519,003 (351 offenders \* 366 days \* 4.04 per day) in additional costs to parole supervision. Incarceration savings are based on the TDCJ systemwide cost per day per offender of \$54.89 and parole 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*.

This analysis assumes sentencing patterns and release policies not addressed in this bill remain constant.

## **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

**LBB Staff:** UP, KJo, LM, ESi, JN, KVe