

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 9, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1546** by Allen (relating to the award of diligent participation credit to defendants confined in a state jail felony facility.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure as it relates to the awarding of diligent participation credit to defendants confined in a state jail facility. Judges would be required to provide a finding of presumptive diligent participation credit eligibility for offenders convicted of state jail felonies. For offenders who received the presumptive finding, the Texas Department of Criminal Justice (TDCJ) would be required to credit up to one-fifth of the sentence against any time a state jail inmate was required to serve for diligent participation in certain programs. For offenders who did not receive the presumptive finding, TDCJ would continue to provide judicial notification of diligent participation credit eligibility and judges would maintain discretion in awarding diligent participation credit.

Statewide data are not available to indicate how often judges may grant an affirmative presumptive finding regarding diligent participation credit, which would require TDCJ to award diligent participation credits. However, this analysis assumes the provisions of the bill would not result in a significant impact on state correctional agencies.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, LM, ESi