

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: HB3303 by Miles (Relating to the creation of the Office of the Independent Oversight Ombudsman for the Texas Department of Criminal Justice.), **As Introduced**

The cost to establish the Office of the Independent Oversight Ombudsman of the Texas Department of Criminal Justice would be contingent upon the number of assistants the independent oversight ombudsman would hire to carry out the provisions of the bill. Due to the unavailability of information on the composition of the new agency's staff, the fiscal cost implications of the bill cannot be determined at this time, but could be significant. The cost implications could range between \$438,000 annually for a small oversight agency up to \$6,136,000 annually for a large oversight agency.

The bill would amend the Government Code to establish the Office of the Independent Oversight Ombudsman of the Texas Department of Criminal Justice (OIOO) and it would be a new state agency. The purpose of OIOO would be to investigate, evaluate, and secure the rights of individuals in the Texas Department of Criminal Justice's (TDCJ) custody, including an adult released under supervision before final discharge. Under the bill's provisions, the Governor would appoint the independent oversight ombudsman who would then hire assistants. Duties of the OIOO are extensive and specified in the bill. The bill would require the funding for the OIOO to be appropriated separately from TDCJ's funding. The bill's provisions include requiring the OIOO to report quarterly to the State Auditor's Office certain information and makes the OIOO subject to audit by the SAO. The bill would take effect immediately upon receiving a two-thirds majority vote in each house, otherwise the bill would take effect September 1, 2015.

The bill's provisions are very similar to current statute that governs the Office of Independent Ombudsman for the Texas Juvenile Justice Department (OIOTJJD). The General Appropriations Act for the 2014-15 biennium appropriates \$438,831 per fiscal year for the OIOTJJD to perform its statutory duties. In fiscal year 2015, OIOTJJD is budgeted five full-time-equivalents (FTEs) and the agency's First Quarter Report for Fiscal Year 2015 indicates that OIOTJJD staff regularly visit all TJJD secure facilities, halfway houses, parole offices, and contract care programs (total of 28 facilities/offices). In contrast, TDCJ has approximately 185 secure facilities, halfway houses, and parole offices statewide.

TDCJ indicates it currently performs functions similar to what the bill's provisions require, including initiatives for ombudsman inquiries and complaints, offender grievances, and medical grievances. TDCJ reports its Ombudsman Program includes 12 FTEs (salaries totaling \$458,330 annually), the agency's Offender Grievance Program includes 115 FTEs (salaries totaling \$4,088,566 annually), and TDCJ's Health Services Division addresses medical grievances utilizing 43 FTEs (salaries totaling \$1,589,652 annually). Even upon passage of this bill, TDCJ reports that

it would need to continue these functions within TDCJ because they provide a management tool to ensure concerns regarding TDCJ inmates and parolees are identified or resolved at the lowest possible level. Because of TDCJ's reported need to continue with its current ombudsman-related functions and the bill's provisions do not repeal TDCJ's authority for providing those related functions, no savings are anticipated from implementation of the bill.

The Governor's Office and SAO indicate that any costs associated with the bill for those two agencies could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 308 State Auditor's Office, 696 Department of Criminal Justice

LBB Staff: UP, KJo, AI, JN, LBe