

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 17, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB589 by Rodríguez (Relating to the award of diligent participation credit to defendants confined in a state jail felony facility.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB589, As Introduced: a positive impact of \$81,345,273 through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|--------------------|---|
| 2016 | \$30,641,886 |
| 2017 | \$50,703,387 |
| 2018 | \$49,743,752 |
| 2019 | \$48,784,196 |
| 2020 | \$47,824,723 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings from General Revenue Fund 1 |
|--------------------|---|
| 2016 | \$30,641,886 |
| 2017 | \$50,703,387 |
| 2018 | \$49,743,752 |
| 2019 | \$48,784,196 |
| 2020 | \$47,824,723 |

Fiscal Analysis

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. Allowing for time served in a state jail facility to be decreased through diligent participation credit is expected to result in a positive fiscal impact. The bill would take effect on September 1, 2015 and apply only to a person confined in a state jail felony facility for an offense committed on or after the effective date of the Act.

Methodology

Under the provisions of the bill, 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. A state jail inmate would not be eligible to receive diligent participation credit for any period of time during which the inmate was subject to disciplinary status.

The awarding of diligent participation credit is expected to result in decreased demands upon the correctional resources of the state due to shorter terms of confinement in state jails. In fiscal year 2014, there were 22,272 admissions to state jail and the average sentence length for these admissions was approximately 10 months. Based on the average sentence length of 10 months, the average maximum diligent participation credit would be approximately two months.

This analysis assumes eligible inmates would earn the average maximum diligent participation credit of approximately two months. In order to estimate the future impact, the maximum credit length of two months is subtracted from the estimated average sentence length of 10 months from the projected number of yearly state jail admissions, as determined in the February 2015 *Adult and Juvenile Correctional Population Projections Report*. Savings of incarceration costs by TDCJ are estimated on the basis of \$47.30 per inmate per day for state jail facilities, as reported in the February 2015 *Criminal and Juvenile Justice Uniform Cost Report*. The estimated incarceration savings for fiscal year 2016 is \$30,641,886 (1,770 offenders *47.30 per day *366 days). For fiscal year 2016, the estimated incarceration savings are based on six months of savings, to allow time for the bill's provisions to fully take effect.

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: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, LM, ESi, JN