

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1630** by Whitmire (Relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1630, Conference Committee Report: a positive impact of \$6,972,077 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	\$983,900
2017	\$5,988,177
2018	\$23,528,876
2019	\$26,603,242
2020	\$26,910,281

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	\$983,900	9.0
2017	\$5,988,177	2.0
2018	\$23,528,876	16.0
2019	\$26,603,242	18.0
2020	\$26,910,281	19.0

Fiscal Analysis

The bill would amend various codes as they relate to the commitment of youth to the Texas Juvenile Justice Department (TJJD). Under the provisions of the bill, commitment of youth to TJJD would be limited to determinate sentenced youth unless the court determines that the youth has behavioral health or other special needs that cannot be addressed within the youth's home community. The bill would require TJJD to finalize a regionalization plan for keeping adjudicated youth within their home regions and to identify available post-adjudication facility capacity by August 31, 2016. TJJD would be required to establish a new division to administer the regionalization plan and monitor program quality and accountability. The bill would require the TJJD regionalization plan to include sufficient mechanisms to divert 30 juveniles from TJJD commitment beginning September 1, 2015, and 150 juveniles from TJJD commitment beginning September 1, 2016, and that funds appropriated for this purpose may not be offset by projected savings generated by the decreases in the secure facilities populations for these first two fiscal years. The bill would expand the responsibilities of the Office of the Independent Ombudsman (OIO) associated with TJJD by requiring this office to assess the rights of youth at local post-adjudication facilities and any other facilities where youth adjudicated for conduct indicating a need for supervision or delinquent conduct are placed by court order.

The bill would take effect September 1, 2015.

Methodology

The net fiscal result of diverting 30 juveniles from TJJD state residential facilities to juvenile probation departments in fiscal year 2016 and 150 juveniles each year beginning in fiscal year 2017 is based on the state costs per day for juveniles in TJJD state residential facilities (\$437.11), juvenile parole supervision (\$31.93), and juvenile probation supervision (\$5.40).

The regionalization plan to divert youth would produce a net savings of \$1,922,619 in fiscal year 2016, a net savings of \$6,843,939 in fiscal year 2017, a net savings of \$24,364,638 in fiscal year 2018, a net savings of \$27,439,004 in fiscal year 2019, and a net savings of \$27,746,043 in fiscal year 2020. Included in the regionalization plan amounts are costs of \$435,490 in fiscal year 2016 and \$9,139,405 for every subsequent fiscal year for grants to local probation departments for the diversion of youth to local facilities.

TJJD estimates the expanded duties of the OIO would result in ten full-time equivalent positions (FTEs) and associated costs for salaries, vehicles, travel, technology, and other operating expenses. Salaries for the ten FTEs would be \$535,000 in fiscal year 2016 and \$556,000 for every fiscal year thereafter. Employee benefits calculated at 32.38% of salary cost would be \$173,233 in fiscal year 2016 and \$180,033 for every fiscal year thereafter.

The estimated total impact of the bill would be a savings of \$983,900 in fiscal year 2016, a savings of \$5,988,177 in fiscal year 2017, a savings of \$23,528,876 in fiscal year 2018, a savings of \$26,603,242 in fiscal year 2019, and a savings of \$26,910,281 in fiscal year 2020. The total impact to FTEs includes the effects of diversion of youth and the ten additional FTEs each fiscal year for the expansion of the OIO. The impact to juvenile residential facility FTEs is calculated at a ratio of 1 FTE per 12 youth for fiscal years 2016 and 2017, and 1 FTE for every 8 youth for subsequent years as the result of anticipated reduced ratios associated with the Prison Rape Elimination Act which becomes effective in fiscal year 2018. The net effect of FTEs is an increase of 9 in fiscal year 2016, an increase of 2 in fiscal year 2017, a decrease of 16 in fiscal year 2018, a decrease of 18 in fiscal year 2019, and a decrease of 19 in 2020.

The Office of Court Administration indicates the fiscal impact to juvenile courts would not be significant.

Technology

The technology costs associated with the ten FTEs for the OIO is estimated to be \$31,429, for computers, electronic accessories, mobile phones, and phone plans.

Local Government Impact

The bill would require county Juvenile Probation Departments to implement the regionalization plan; costs would include additional staff, facilities, placement, and transportation.

Jefferson County Juvenile Probation Department reported a total cost of \$884,000 for fiscal year (FY) 2016 and 2017. Tom Green County Juvenile Probation Department reported a cost of \$675,640 for FY 2016 and \$365,640 in FY 2017. Coke County Juvenile Probation Department reported a total cost of \$63,800 per year. Nueces County Juvenile Probation Department reported an average cost of \$595,996 per year. There may also be revenue gained from detention contracts, but it is not anticipated to be significant.

El Paso County reported that the regionalization plan may have a significant fiscal impact but an estimate could not be provided this time.

Harris County reported that implementing the regionalization plan would not have a significant fiscal impact to the county.

Source Agencies: 644 Juvenile Justice Department, 696 Department of Criminal Justice, 212 Office of Court Administration, Texas Judicial Council

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