

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3130 by Parker (Relating to the establishment of an educational and vocational training pilot program for certain state jail felony defendants.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3130, As Engrossed: an impact of \$0 through the biennium ending August 31, 2019.

There would be an estimated savings of \$2.4 million in General Revenue starting in the 2020-21 biennium.

This analysis provides an estimate for the maximum population impacted by the bill's provisions and the maximum associated savings, to the degree judges choose not to suspend the imposition of the sentence or an individual is deemed ineligible to participate both savings and costs would be reduced. 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
2018	\$0
2019	\$0
2020	\$1,215,342
2021	\$1,215,342
2022	\$1,215,342

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
2018	\$0
2019	\$0
2020	\$1,215,342
2021	\$1,215,342
2022	\$1,215,342

Fiscal Analysis

The bill would amend various codes as they relate to the establishment of an educational and vocational training pilot program for certain state jail felons. The bill would allow a judge to place those convicted of a state jail felony who receive a sentence of confinement, under community supervision for total of 270 days with the condition the individual submits to 90 days of confinement within a state jail facility and participates in a 180-day educational and vocational training program.

Methodology

In fiscal year 2016, 19,502 individuals were admitted to state jail. Under the provisions of the bill, individuals currently or previously convicted of an offense against a person (Title 5, Penal Code) would not be eligible to participate in the pilot program. After removing those individuals admitted to state jail for a Title 5 offense, 19,062 individuals remained. Individuals with previous Title 5 offense convictions were also removed from the cohort leaving 12,653 eligible individuals. After removing individuals who were not eligible for the program, those admitted into state jail had an average sentence length of 10 months and an average of four months time credit in county jail at admission. Under the provisions of the bill, individuals would be allowed to have time served in a county jail credited against the term of confinement in a state jail facility. This analysis also assumes the individuals subject to the bill's provisions would be placed directly under felony community supervision since the average county jail time credit awarded to state jail felons was approximately four months.

Under the provisions of the bill, the capacity for the pilot program at any given time would be 180 participants (four locations serving a maximum of 45 individuals each) with the potential to serve a maximum of 360 annually. Cost per day figures included in this analysis are based on those reported in the *January 2017 Criminal and Juvenile Justice Uniform Cost* report. Incarceration savings are estimated at \$52.88 per individual, per day for state-owned state jail facilities, \$32.18 per individual, per day for privately-owned state jail facilities and felony community supervision state costs are estimated at \$1.78 per individual, per day. Based on the analysis of historical data, this analysis assumes approximately 15 percent of individuals would have been admitted to a privately-owned state jail facility and 85 percent would have been admitted to a state-owned state jail facility. Based on the provisions of the bill, the Texas Department of Criminal Justice must pay providers a minimum of \$40 per day for each participant for employment-related training and support. The provisions of the bill apply only to those who receive a sentence of confinement in a state jail on or after September 1, 2019. This analysis provides an estimate for the maximum population impacted by the bill's provisions and the maximum associated savings, to the degree judges choose not to suspend the imposition of the sentence or an individual is deemed ineligible to participate both savings and costs would be reduced. Since the bill would become effective September 1, 2019, there would be no fiscal impact during fiscal years 2018 or 2019. Assuming all other sentencing and county jail time credit practices remain constant, the bill's provisions would result in net savings of \$1,215,342 in fiscal year 2020 and each subsequent fiscal year. This analysis assumes the bill's provision would reach full implementation in fiscal year 2020. The estimated net savings for fiscal year 2020 include incarceration savings of \$6,630,030 and are partially offset by felony community supervision costs of \$230,688 and employment training and support services costs of \$5,184,000.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: UP, KJo, LM, KVe