SENATE AMENDMENTS

2nd Printing

By: Burkett, Raymond, Frank, Klick, Davis of Harris, et al. H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 264.755, Family Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (b-2) to read as follows:

(a) The department shall, subject to the availability of funds, enter into a caregiver assistance agreement with each relative or other designated caregiver to provide monetary assistance and additional support services to the caregiver. The monetary assistance and support services shall be based on a family's need, as determined by Subsection (b) and rules adopted by the executive commissioner.

(b) The department shall disburse monetary [~~Monetary~~] assistance to caregivers [~~provided~~] under this section as follows:

(1) a caregiver that has a family income that is less than or equal to 300 percent of the federal poverty level may receive monetary assistance from the department as follows:

(A) a caregiver that has a family income that is less than or equal to the federal poverty level may receive monetary assistance not exceeding 75 percent of the department's daily basic foster care rate for the child;

(B) a caregiver that has a family income that is greater than the federal poverty level but that is less than or equal to 200 percent of the federal poverty level may receive monetary assistance not exceeding 50 percent of the department's daily basic foster care rate for the child; and

(C) a caregiver that has a family income that is greater than 200 percent of the federal poverty level but that is less than or equal to 300 percent of the federal poverty level may receive monetary assistance not exceeding 25 percent of the department's daily basic foster care rate for the child;

(2) a caregiver that has a family income that is greater than 300 percent but less than or equal to 500 percent of the federal poverty level may receive [~~must include~~] a one-time cash payment as provided by Subsection (b-2) for each child placed with the [~~to the~~] caregiver not later than the 60th day after the date of [~~on~~] the initial placement of a child or a sibling group; and

(3) a caregiver that has a family income greater than 500 percent of the federal poverty level is not eligible for monetary assistance under this section.

(b-1) The department shall disburse monetary assistance provided to a caregiver under Subsection (b)(1) in the same manner as the department disburses payments to a foster parent.

(b-2) The amount of the one-time cash payment provided to a caregiver under Subsection (b)(2)[~~, as determined by the department,~~] may not exceed $1,000 for each child placed with the caregiver. The payment for placement of a sibling group must be at least $1,000 for the group, but may not exceed $1,000 for each child in the group. [~~The cash payment must be provided on the initial placement of each child with the caregiver and is provided to assist the caregiver in purchasing essential child-care items such as furniture and clothing.~~]

(c) Monetary assistance and additional support services provided under this section may include:

(1) case management services and training and information about the child's needs until the caregiver is appointed permanent managing conservator;

(2) referrals to appropriate state agencies administering public benefits or assistance programs for which the child, the caregiver, or the caregiver's family may qualify;

(3) family counseling not provided under the Medicaid program for the caregiver's family for a period not to exceed two years from the date of initial placement;

(4) if the caregiver meets the eligibility criteria determined by rules adopted by the executive commissioner, reimbursement of all child-care expenses incurred while the child is under 13 years of age, or under 18 years of age if the child has a developmental disability, and while the department is the child's managing conservator;

(5) if the caregiver meets the eligibility criteria determined by rules adopted by the executive commissioner, reimbursement of 50 percent of child-care expenses incurred after the caregiver is appointed permanent managing conservator of the child while the child is under 13 years of age, or under 18 years of

age if the child has a developmental disability; and

(6) for a caregiver receiving monetary assistance under Subsection (b)(2), reimbursement of other expenses, as determined by rules adopted by the executive commissioner, not to exceed $500 per year for each child.

SECTION 2. Subchapter I, Chapter 264, Family Code, is amended by adding Section 264.7551 to read as follows:

Sec. 264.7551. FRAUDULENT AGREEMENT; CRIMINAL OFFENSE; CIVIL PENALTY. (a) A person commits an offense if, with intent to defraud or deceive the department, the person knowingly makes or causes to be made a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement.

(b) An offense under Subsection (a) is a state jail felony unless it is shown on the trial of the offense that the person has previously been convicted under this section, in which case the offense is a felony of the third degree.

(c) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(d) The appropriate county prosecuting attorney shall be responsible for the prosecution of an offense under this section.

(e) A person who engaged in conduct described by Subsection (a) is liable to the state for a civil penalty of $1,000. The attorney general shall bring an action to recover a civil penalty as authorized by this subsection.

(f) The commissioner of the department may adopt rules necessary to determine whether fraudulent activity that violates Subsection (a) has occurred.

SECTION 3. (a) Except as provided by Subsection (b) of this section, Section 264.755, Family Code, as amended by this Act, applies to a caregiver assistance agreement entered into before, on, or after the effective date of this Act.

(b) If a person who has a family income that is less than or equal to 300 percent of the federal poverty level entered into a caregiver assistance agreement with the Department of Family and Protective Services on or after June 1, 2017, but before the effective date of this Act, and received monetary assistance under the agreement from the department, the department shall consider the money paid to the person to be a credit against the disbursement of caregiver assistance funds, and may not begin disbursing money to the person as authorized by Section 264.755, Family Code, as amended by this Act, until the credit has been offset.

(c) If a person who has a family income that is less than or equal to 300 percent of the federal poverty level enters into a caregiver assistance agreement with the Department of Family and Protective Services, obtains permanent managing conservatorship of a child before the effective date of this Act, and meets all other eligibility requirements, the person may continue to receive the $500 annual reimbursement until the earlier of:

(1) the third anniversary of the date the person was awarded permanent managing conservatorship of the child; or

(2) the child's 18th birthday.

SECTION 4. This Act takes effect September 1, 2017.

ADOPTED

MAY 2 2 2017

Latary Spaw
Secretary of the Senate

By: Burkett

Substitute the following for __.B. No. _____:

By: _____

H.B. No. 4

C.S.H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 264.755, Family Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1), (b-2), and (f) to read as follows:

(a) The department shall, subject to the availability of funds, enter into a caregiver assistance agreement with each relative or other designated caregiver to provide monetary assistance and additional support services to the caregiver. The monetary assistance and support services shall be based on a family's need, as determined by <u>Subsection (b) and</u> rules adopted by the executive commissioner.

(b) <u>The department shall provide monetary</u> [~~Monetary~~] assistance [~~provided~~] under this section <u>to a caregiver who has a family income that is less than or equal to 300 percent of the federal poverty level. Monetary assistance provided to a caregiver under this section may not exceed 50 percent of the department's daily basic foster care rate for the child. A caregiver who has a family income greater than 300 percent of the federal poverty level is not eligible for monetary assistance under this section</u> [~~must include a one-time cash payment to the caregiver on the initial~~

~~placement of a child or a sibling group. The amount of the cash payment, as determined by the department, may not exceed $1,000 for each child. The payment for placement of a sibling group must be at least $1,000 for the group, but may not exceed $1,000 for each child in the group. The cash payment must be provided on the initial placement of each child with the caregiver and is provided to assist the caregiver in purchasing essential child-care items such as furniture and clothing~~].

(b-1) The department shall disburse monetary assistance provided to a caregiver under Subsection (b) in the same manner as the department disburses payments to a foster parent.

(b-2) The department shall implement a process to verify the family income of a relative or other designated caregiver for the purpose of determining eligibility to receive monetary assistance under Subsection (b).

(c) Monetary assistance and additional support services provided under this section may include:

(1) case management services and training and information about the child's needs until the caregiver is appointed permanent managing conservator;

(2) referrals to appropriate state agencies administering public benefits or assistance programs for which the child, the caregiver, or the caregiver's family may qualify;

(3) family counseling not provided under the Medicaid program for the caregiver's family for a period not to exceed two years from the date of initial placement;

(4) if the caregiver meets the eligibility criteria

determined by rules adopted by the executive commissioner, reimbursement of all child-care expenses incurred while the child is under 13 years of age, or under 18 years of age if the child has a developmental disability, and while the department is the child's managing conservator; and

(5) if the caregiver meets the eligibility criteria determined by rules adopted by the executive commissioner, reimbursement of 50 percent of child-care expenses incurred after the caregiver is appointed permanent managing conservator of the child while the child is under 13 years of age, or under 18 years of age if the child has a developmental disability[~~; and~~

[~~(6) reimbursement of other expenses, as determined by rules adopted by the executive commissioner, not to exceed $500 per year for each child~~].

(f) If a person who has a family income that is less than or equal to 300 percent of the federal poverty level enters into a caregiver assistance agreement with the department, obtains permanent managing conservatorship of a child, and meets all other eligibility requirements, the person may receive an annual reimbursement of other expenses for the child, as determined by rules adopted by the executive commissioner, not to exceed $500 per year until the earlier of:

(1) the third anniversary of the date the person was awarded permanent managing conservatorship of the child; or

(2) the child's 18th birthday.

SECTION 2. Subchapter I, Chapter 264, Family Code, is amended by adding Section 264.7551 to read as follows:

Sec. 264.7551. FRAUDULENT AGREEMENT; CRIMINAL OFFENSE; CIVIL PENALTY. (a) A person commits an offense if, with intent to defraud or deceive the department, the person knowingly makes or causes to be made a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement.

(b) An offense under Subsection (a) is a state jail felony unless it is shown on the trial of the offense that the person has previously been convicted under this section, in which case the offense is a felony of the third degree.

(c) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(d) The appropriate county prosecuting attorney shall be responsible for the prosecution of an offense under this section.

(e) A person who engaged in conduct described by Subsection (a) is liable to the state for a civil penalty of $1,000. The attorney general shall bring an action to recover a civil penalty as authorized by this subsection.

(f) The commissioner of the department may adopt rules necessary to determine whether fraudulent activity that violates Subsection (a) has occurred.

SECTION 3. (a) Except as provided by Subsection (b) of this section, Section 264.755, Family Code, as amended by this Act, applies to a caregiver assistance agreement entered into before, on, or after the effective date of this Act.

(b) If a person who has a family income that is less than or equal to 300 percent of the federal poverty level entered into a caregiver assistance agreement with the Department of Family and Protective Services on or after June 1, 2017, but before the effective date of this Act, and received monetary assistance under the agreement from the department, the department shall consider the money paid to the person to be a credit against the disbursement of caregiver assistance funds, and may not begin disbursing money to the person as authorized by Section 264.755, Family Code, as amended by this Act, until the credit has been offset.

SECTION 4. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature. If the legislature does not appropriate money specifically for the purpose of implementing this Act, this Act has no effect.

SECTION 5. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

ADOPTED

MAY 22 2017

Patsy Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1 BY: Kirk Watson
Konni Burton

Amend C.S.H.B. No. 4 (senate committee printing) in SECTION 2 of the bill, by striking added Section 264.7551(b), Family Code (page 2, lines 44-47), and substituting the following:

(b) An offense under this section is:

(1) a Class C misdemeanor if the person entered into a fraudulent caregiver assistance agreement and received no monetary assistance under the agreement or received monetary assistance under the agreement for less than 7 days;

(2) a Class B misdemeanor if the person entered into a fraudulent caregiver assistance agreement and received monetary assistance under the agreement for 7 days or more but less than 31 days;

(3) a Class A misdemeanor if the person entered into a fraudulent caregiver assistance agreement and received monetary assistance under the agreement for 31 days or more but less than 91 days; or

(4) a state jail felony if the person entered into a fraudulent caregiver assistance agreement and received monetary assistance under the agreement for 91 days or more.

ADOPTED

MAY 22 2017

Patsy Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2 BY: Royce West

Amend C.S.H.B. No. 4 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. Subchapter I, Chapter 264, Family Code, is amended by adding Section 264.762 to read as follows:

Sec. 264.762. ANNUAL REPORT. Not later than September 1 of each year, the department shall publish a report on the relative and other designated caregiver placement program created under this subchapter. The report must include data on permanency outcomes for children placed with relative or other designated caregivers, including:

(1) the number of disruptions in a relative or other designated caregiver placement;

(2) the reasons for any disruption in a relative or other designated caregiver placement; and

(3) the length of time before a relative or other designated caregiver who receives monetary assistance from the department under this subchapter obtains permanent managing conservatorship of a child.

SECTION ___. Not later than September 1, 2018, the Department of Family and Protective Services shall publish the first report required under Section 264.762, Family Code, as added by this Act.

ADOPTED
RV 30.0
MAY 22 2017
as amended Van Taylor
Katey Shaw
Secretary of the Senate

FLOOR AMENDMENT NO. 3 BY: Van Taylor

Amend C.S.H.B. No. 4 (senate committee printing) in SECTION 1 of the bill, in added Section 264.755(b-1), Family Code (page 1, line 54), following "parent." by inserting:

The department may not provide monetary assistance to an eligible caregiver under Subsection (b) after the first anniversary of the date the caregiver receives the first monetary assistance payment from the department under this section.

ADOPTED

MAY 22 2017

Secretary of the Senate

FLOOR AMENDMENT NO. 4 BY:

Amend Floor Amendment #3 by Taylor, to C.S.H.B. No. 4, on page 1, line 8, by inserting the following after "section.":

"The department, at its discretion and for good cause, may extend the monetary assistance payments for an additional 6 months."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4** by Burkett (Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, As Passed 2nd House: a negative impact of ($37,800,806) through the biennium ending August 31, 2019. The agency is not required to implement the legislation in the absence of an appropriation.

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	($19,017,000)
2019	($18,783,806)
2020	($19,799,138)
2021	($20,652,762)
2022	($21,547,768)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from *General Revenue Fund* 1	Probable Savings/(Cost) from *GR Match For Title IV-E FMAP* 8008	Probable Savings/(Cost) from *Federal Funds* 555
2018	($20,360,032)	$1,343,032	$2,241,219
2019	($21,270,777)	$2,486,971	$4,456,185
2020	($22,283,664)	$2,484,526	$4,458,630
2021	($23,137,288)	$2,484,526	$4,458,630
2022	($24,032,294)	$2,484,526	$4,458,630

Fiscal Analysis

The bill would amend the payment structure for caregiver assistance payments entered into by the Department of Family and Protective Services (DFPS) with relative and other designated caregivers. Instead of providing a uniform annual payment, the bill would require a payment of up to 50 percent of the daily basic foster care rate for caregivers with income at or below 300 percent of the federal poverty limit (FPL). DFPS may not provide monetary assistance to an eligible caregiver after the first anniversary of the date of receiving monetary assistance under this section. DPFS may extend monetary assistance payment for six months at its discretion and for good cause. Any caregiver who entered into an agreement on or after June 1, 2017 but before the effective date of the bill and received monetary assistance would not begin receiving additional payments until the previous payment had been offset. A caregiver who has a family income greater than 300 percent FPL would not be eligible for monetary assistance under the provisions of the bill. The bill would require DFPS to implement a process for verifying the family income of a relative or other designated caregiver for determining eligibility. The bill would allow a caregiver who enters into a caregiver assistance agreement with DFPS, obtains permanent managing conservatorship of a child, and meets all other eligibility requirements, to receive an annual reimbursement for expenses not to exceed $500 until the earlier of the third anniversary of being awarded permanent managing conservatorship or the child's 18th birthday.

The bill creates a criminal offense and civil penalty for persons knowingly entering into a fraudulent caregiver assistance agreement. The punishment for this offense would range from a misdemeanor to a felony with punishment increasing in severity based upon the number of days the individual received monetary assistance under the agreement. The bill would require the attorney general to bring an action to recover a civil penalty authorized by the bill. The commissioner of DFPS would be authorized to adopt rules necessary to determine if a violation had occurred.

The bill would require DFPS to publish an annual report regarding the relative and other designated caregiver placement program.

The bill would only take effect if the Eighty-fifth Legislature appropriates money specifically for the purpose of implementing the provisions of the bill; otherwise, the bill would not take effect.

Methodology

The actual number of children who might be diverted from paid foster care and the portion of recipients receiving extended payments is not known. The estimated cost of this legislation is based on the assumptions outlined below, but costs could be higher or lower depending on actual placements from foster care and duration of time spent in the relative and other caregiver monetary assistance program.

Assuming the Eighty-fifth Legislature appropriates funding for purposes of implementing the provisions of the bill, the estimated cost would be based on the following assumptions. According to DFPS, current recipients of relative caregiver monetary assistance payments would be eligible for the new payment structure. Based on projected recipients of initial integration payments under the current structure, and an assumed payment duration of twelve months, it is assumed that 8,032 average monthly caregivers in fiscal year 2018 will receive a daily payment of $11.55 (50 percent of the current daily basic foster care rate) at a cost of $33.9 million in General Revenue Funds increasing each year to 8,993 average monthly caregivers and a cost of $37.9 million in General Revenue Funds by fiscal year 2022. It is assumed allowing certain caregivers to continue to receive the annual $500 reimbursement payment after obtaining permanent managing conservatorship will result in 3,725 payments in fiscal year 2018 and an estimated cost of $1.9 million in General Revenue Funds, increasing to 3,962 payments by fiscal year 2022 at an estimated cost of $2.0 million in General Revenue Funds. After accounting for savings from no longer making the current annual payments to these caregivers and the required offset for agreements entered into from June to August of 2017, the estimated cost under the new structure of payments to families with income up to 300 percent FPL is $21.9 million in General Revenue Funds in fiscal year 2018 increasing to $26.9 million in General Revenue Funds by fiscal year 2022. It is unknown what portion of recipients might qualify for extended payments and choose to continue receiving them, but that provision of the bill is likely to result in increased costs not reflected here.

It is assumed the new payment structure will increase placements of children with relatives who will receive monetary assistance, reducing paid foster care placements. It is assumed 10 percent of foster care children at the basic level of care will be diverted to the relative caregiver program resulting in an estimated increase of 504 average monthly recipients of the $11.55 daily payment in fiscal year 2018 and an estimated cost of $2.1 million in General Revenue Funds, increasing to 945 average monthly recipients and an estimated cost of $4.0 million in General Revenue Funds by fiscal year 2022. The estimated cost of providing annual $500 reimbursement payment after obtaining permanent managing conservatorship to these additional caregivers will result in 156 additional payments beginning in fiscal year 2019 at an estimated cost of $0.1 million in General Revenue Funds, increasing to 440 payments by fiscal year 2022 at an estimated cost of $0.2 million in General Revenue Funds. The estimated savings to paid foster care for these children (assuming the projected weighted average daily rate across placement types) is $7.5 in All Funds, including $5.1 million in General Revenue Funds, in fiscal year 2018 increasing to $14.0 million in All Funds, including $9.6 million in General Revenue Funds in each of fiscal years 2018 to 2022. The net savings for children diverted from paid foster care to a relative placement is estimated to be $5.4 million in All Funds, including $3.0 million in General Revenue Funds, in fiscal year 2018 increasing to $9.8 to $10.0 million in All Funds, including to $5.4 to $5.5 million in General Revenue Funds, in each of fiscal years 2018 to 2022. The net savings could be higher or lower depending on the actual number of placements diverted from paid foster care.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. This analysis assumes no increase in fraud cases and no significant fiscal impact to HHSC for the Office of Inspector General. It is assumed there would be no significant fiscal impact to DFPS from reporting requirements or provisions authorizing the commissioner to adopt rules.

According to the Office of the Attorney General, Office of Court Administration, and Texas Judicial Council, any additional work resulting from the passage of this bill could be absorbed within current resources.

DFPS estimates a one-time cost of $250,000 in All Funds, including $125,000 in General Revenue Funds, in fiscal year 2018 for modifications to the IMPACT system to allow payments to be processed under the new structure. This analysis assumes IMPACT upgrades are completed in a timely manner. The agency may need to employ temporary employees for manual payment processing if modifications are delayed. This analysis does not reflect any cost for those temporary employees.

The net estimated cost of the bill is $16.8 million in All Funds, including a cost of $19.0 million in General Revenue Funds and a savings of $2.2 million in Federal Funds, in fiscal year 2018 with the cost expected to increase each year due to caseload growth, reaching $17.1 million in All Funds, including a cost of $21.5 million in General Revenue Funds and a savings of $4.5 million in Federal Funds, by fiscal year 2022.

Technology

There would be a one-time cost of $250,000 in All Funds, including $125,000 in General Revenue Funds for modifications to the IMPACT system.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than $4,000, confinement in jail for a term not to exceed one year, or both. A Class B misdemeanor is punishable by a fine of not more than $2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

A Class C misdemeanor is punishable by a fine of not more than $500. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. In addition to the fine, punishment can include up to 180 days of deferred disposition.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 696 Department of Criminal Justice

LBB Staff: UP, KCA, LR, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4** by Burkett (Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, Committee Report 2nd House, Substituted: a negative impact of ($43,440,266) through the biennium ending August 31, 2019. The agency is not required to implement the legislation in the absence of an appropriation.

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	($21,795,780)
2019	($21,644,486)
2020	($22,752,000)
2021	($23,682,858)
2022	($24,662,572)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from *General Revenue Fund* 1	Probable Savings/(Cost) from *GR Match For Title IV-E FMAP* 8008	Probable Savings/(Cost) from *Federal Funds* 555
2018	($23,138,812)	$1,343,032	$2,241,219
2019	($24,131,457)	$2,486,971	$4,456,185
2020	($25,236,526)	$2,484,526	$4,458,630
2021	($26,167,384)	$2,484,526	$4,458,630
2022	($27,147,098)	$2,484,526	$4,458,630

Fiscal Analysis

The bill would amend the payment structure for caregiver assistance payments entered into by the Department of Family and Protective Services (DFPS) with relative and other designated caregivers. Instead of providing a uniform annual payment, the bill would require a payment of up to 50 percent of the daily basic foster care rate for caregivers with income at or below 300 percent of the federal poverty limit (FPL). Any caregiver who entered into an agreement on or after June 1, 2017 but before the effective date of the bill and received monetary assistance would not begin receiving additional payments until the previous payment had been offset. A caregiver who has a family income greater than 300 percent FPL would not be eligible for monetary assistance under the provisions of the bill. The bill would require DFPS to implement a process for verifying the family income of a relative or other designated caregiver for determining eligibility. The bill would allow a caregiver who enters into a caregiver assistance agreement with DFPS, obtains permanent managing conservatorship of a child, and meets all other eligibility requirements, to receive an annual reimbursement for expenses not to exceed $500 until the earlier of the third anniversary of being awarded permanent managing conservatorship or the child's 18th birthday.

The bill creates a criminal offense (state jail felony or felony of the third degree if a repeat offense) and civil penalty for persons knowingly entering into a fraudulent caregiver assistance agreement. The bill would require the attorney general to bring an action to recover a civil penalty authorized by the bill. The commissioner of DFPS would be authorized to adopt rules necessary to determine if a violation had occurred.

The bill would only take effect if the Eighty-fifth Legislature appropriates money specifically for the purpose of implementing the provisions of the bill; otherwise, the bill would not take effect.

Methodology

The actual number of children who might be diverted from paid foster care and the duration of time spent in the relative and other caregiver monetary assistance program is not known. The estimated cost of this legislation is based on the assumptions outlined below, but costs could be higher or lower depending on actual placements from foster care and duration of time spent in the relative and other caregiver monetary assistance program.

Assuming the Eighty-fifth Legislature appropriates funding for purposes of implementing the provisions of the bill, the estimated cost would be based on the following assumptions. According to DFPS, current recipients of relative caregiver monetary assistance payments would be eligible for the new payment structure. Based on projected recipients of initial integration payments under the current structure, and an assumed payment duration of thirteen months (based on information from DFPS related to the current program), it is assumed that 8,690 average monthly caregivers in fiscal year 2018 will receive a daily payment of $11.55 (50 percent of the current daily basic foster care rate) at a cost of $36.6 million in General Revenue Funds increasing each year to 9,731 average monthly caregivers and a cost of $41.0 million in General Revenue Funds by fiscal year 2022. It is assumed allowing certain caregivers to continue to receive the annual $500 reimbursement payment after obtaining permanent managing conservatorship will result in 3,725 payments in fiscal year 2018 and an estimated cost of $1.9 million in General Revenue Funds, increasing to 3,962 payments by fiscal year 2022 at an estimated cost of $2.0 million in General Revenue Funds. After accounting for savings from no longer making the current annual payments to these caregivers and the required offset for agreements entered into from June to August of 2017, the estimated cost under the new structure of payments to families with income up to 300 percent FPL is $24.7 million in General Revenue Funds in fiscal year 2018 increasing to $30.0 million in General Revenue Funds by fiscal year 2022. It is unknown what effect the provisions of the bill might have on duration of payments under the new structure. If the higher payments result in longer durations, the cost to implement the provisions of the bill could be higher.

It is assumed the new payment structure will increase placements of children with relatives who will receive monetary assistance, reducing paid foster care placements. It is assumed 10 percent of foster care children at the basic level of care will be diverted to the relative caregiver program resulting in an estimated increase of 504 average monthly recipients of the $11.55 daily payment in fiscal year 2018 and an estimated cost of $2.1 million in General Revenue Funds, increasing to 945 average monthly recipients and an estimated cost of $4.0 million in General Revenue Funds by fiscal year 2022. The estimated cost of providing annual $500 reimbursement payment after obtaining permanent managing conservatorship to these additional caregivers will result in 156 additional payments beginning in fiscal year 2019 at an estimated cost of $0.1 million in General Revenue Funds, increasing to 440 payments by fiscal year 2022 at an estimated cost of $0.2 million in General Revenue Funds. The estimated savings to paid foster care for these children (assuming the projected weighted average daily rate across placement types) is $7.5 in All Funds, including $5.1 million in General Revenue Funds, in fiscal year 2018 increasing to $14.0 million in All Funds, including $9.6 million in General Revenue Funds in each of fiscal years 2018 to 2022. The net savings for children diverted from paid foster care to a relative placement is estimated to be $5.4 million in All Funds, including $3.0 million in General Revenue Funds, in fiscal year 2018 increasing to $9.8 to $10.0 million in All Funds, including to $5.4 to $5.5 million in General Revenue Funds, in each of fiscal years 2018 to 2022. The net savings could be higher or lower depending on the actual number of placements diverted from paid foster care.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. This analysis assumes no increase in fraud cases and no significant fiscal impact to HHSC for the Office of Inspector General. It is assumed there would be no significant fiscal impact to DFPS from provisions authorizing the commissioner to adopt rules.

According to the Office of the Attorney General, Office of Court Administration, and Texas Judicial Council, any additional work resulting from the passage of this bill could be absorbed within current resources.

DFPS estimates a one-time cost of $250,000 in All Funds, including $125,000 in General Revenue Funds, in fiscal year 2018 for modifications to the IMPACT system to allow payments to be processed under the new structure. This analysis assumes IMPACT upgrades are completed in a timely manner. The agency may need to employ temporary employees for manual payment processing if modifications are delayed. This analysis does not reflect any cost for those temporary employees.

The net estimated cost of the bill is $19.6 million in All Funds, including a cost of $21.8 million in General Revenue Funds and a savings of $2.2 million in Federal Funds, in fiscal year 2018 with the cost expected to increase each year due to caseload growth, reaching $20.2 million in All Funds, including a cost of $24.7 million in General Revenue Funds and a savings of $4.5 million in Federal Funds, by fiscal year 2022.

Technology

There would be a one-time cost of $250,000 in All Funds, including $125,000 in General Revenue Funds for modifications to the IMPACT system.

Local Government Impact

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

Source Agencies: 530 Family and Protective Services, Department of, 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 529 Health and Human Services Commission, 696 Department of Criminal Justice

LBB Staff: UP, KCA, LR, JGA, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 18, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4** by Burkett (Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, As Engrossed: a negative impact of ($34,492,426) through the biennium ending August 31, 2019.

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	($17,070,152)
2019	($17,422,274)
2020	($17,794,909)
2021	($17,989,077)
2022	($18,888,589)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from *General Revenue Fund* 1	Probable Savings/(Cost) from *GR Match For Title IV-E FMAP* 8008	Probable Savings/(Cost) from *Federal Funds* 555
2018	($19,511,973)	$2,441,821	$4,177,119
2019	($19,862,704)	$2,440,430	$4,372,793
2020	($20,239,497)	$2,444,588	$4,386,958
2021	($20,427,108)	$2,438,031	$4,375,192
2022	($21,326,620)	$2,438,031	$4,375,192

Fiscal Analysis

The bill would amend the payment structure for caregiver assistance payments entered into by the Department of Family and Protective Services (DFPS) with relative and other designated caregivers. Instead of providing a uniform annual payment, the bill would require a payment of up to 75 percent of the daily basic foster care rate for caregivers with income less than or equal to the federal poverty level (FPL), up to 50 percent of the daily basic foster care rate for caregivers with income greater than FPL but less than or equal to 200 percent FPL, up to 25 percent of the daily basic foster care rate for caregivers with income greater than 200 percent FPL but less than or equal to 300 percent FPL, and a one-time payment of up to $1,000 and annual payments thereafter of up to $500 for caregivers with income above 300 percent FPL but less than or equal to 500 percent FPL. Payments would be eliminated for caregivers with income above 500 percent FPL. Any caregiver with income up to 300 percent FPL who entered into an agreement on or after June 1, 2017 but before the effective date of the bill and received monetary assistance would not begin receiving additional payments until the previous payment had been offset. The bill would also allow a caregiver with income less than or equal to 300 percent FPL who entered into a caregiver assistance agreement with DFPS and obtained permanent managing conservatorship prior to the effective date of the bill to continue to receive the $500 annual reimbursement until the earlier of the third anniversary of being awarded permanent managing conservatorship or the child's 18th birthday.

The bill creates a criminal offense (state jail felony or felony of the third degree if a repeat offense) and civil penalty for persons knowingly entering into a fraudulent caregiver assistance agreement. The bill would require the attorney general to bring an action to recover a civil penalty authorized by the bill. The commissioner of DFPS would be authorized to adopt rules necessary to determine if a violation had occurred.

Methodology

The actual number of children who might be diverted from paid foster care is not known. The estimated cost of this legislation is based on the assumptions outlined below, but costs could be higher or lower depending on actual placements. If the percentage of basic level of care children were higher or children were diverted from other, higher cost, levels of care savings would be increased. For example, if 45 percent of children were diverted from paid foster care the savings would be sufficient to offset all other costs to General Revenue Funds of the bill beginning in fiscal year 2018.

According to DFPS, 70 percent of children in a placement resulting in relative caregiver monetary assistance payments are placed with families having an income up to 300 percent FPL. Of these families, 29 percent have an income at or below FPL, 38 percent have an income greater than FPL but less than or equal to 200 percent FPL, and 33 percent have an income greater than 200 percent FPL but less than or equal to 300 percent FPL. Based on these distributions, the number of projected recipients of monetary assistance payments under the current structure, and an assumed payment duration of eighteen months, the following is assumed: (1) 2,368 average monthly caregivers in fiscal year 2018 will receive a daily payment of $17.33 (75 percent of the current daily basic foster care rate) increasing each year to 2,719 average monthly caregivers by fiscal year 2022, (2) 3,078 average monthly caregivers in fiscal year 2018 will receive a daily payment of $11.55 (50 percent of the current daily basic foster care rate) increasing each year to 3,534 average monthly caregivers by fiscal year 2022, and (3) 2,723 average monthly caregivers in fiscal year 2018 will receive a daily payment of $5.78 (25 percent of the current daily basic foster care rate) increasing each year to 3,127 average monthly caregivers by fiscal year 2022. After accounting for savings from no longer making the current annual payments to these caregivers and the required offset for agreements entered into from June to August of 2017, the estimated cost under the new structure of payments to families with income up to 300 percent FPL is $25.1 million in General Revenue Funds in fiscal year 2018 increasing to $29.6 million in General Revenue Funds by fiscal year 2022.

It is assumed the bill would have no effect on the cost of payments for the estimated 14 percent of children placed with families with income above 300 percent but not greater than 500 percent of FPL. It is assumed the remaining 16 percent of children reside in homes with income above 500 percent FPL and no payments would be made for those placements resulting in a savings of $5.1 to $5.2 million in General Revenue Funds in each of fiscal years 2018 through 2022.

It is assumed the new payment structure will increase placements of children with relatives who will receive monetary assistance, reducing paid foster care placements. It is assumed 10 percent of foster care children at the basic level of care will be diverted to the relative caregiver program with the same distribution by FPL as for existing recipients. It is assumed this will result in the following estimated increases: (1) 270 average monthly recipients of the $17.33 daily payment in fiscal year 2018 increasing to 274 average monthly recipients by fiscal year 2022, (2) 351 average monthly recipients of the $11.55 daily payment in fiscal year 2018 increasing to 356 average monthly recipients by fiscal year 2022, and (3) 311 average monthly recipients of the $5.78 daily payment in fiscal year 2018 increasing to 315 average monthly recipients by fiscal year 2022. The total estimated cost of these new payments is estimated to be $3.8 million to $3.9 million in General Revenue Funds in each of fiscal years 2018 to 2022. The estimated savings to paid foster care for these children, assuming the projected weighted average daily rate across placement types, is $13.7 to $13.8 million in All Funds, including $9.4 million in General Revenue Funds and $4.3 to $4.4 million in Federal Funds, in each of fiscal years 2018 to 2022. The net savings to General Revenue Funds for children diverted from paid foster care to a relative placement is estimated to be $5.5 million in each of fiscal years 2018 to 2022.

It is assumed allowing certain caregivers to continue to receive the annual $500 reimbursement payment after obtaining permanent managing conservatorship will result in 4,932 additional payments in fiscal year 2018 and an estimated cost of $2.5 million in General Revenue Funds, 2,466 additional payments in fiscal year 2019 and an estimated cost of $1.2 million in General Revenue Funds, and 1,233 additional payments and an estimated cost of $0.6 million in General Revenue Funds in fiscal year 2020. No additional payments are assumed after fiscal year 2020 because payments are limited to three years for those caregivers obtaining permanent managing conservatorship prior to September 1, 2017.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. This analysis assumes no increase in fraud cases and no significant fiscal impact to HHSC for the Office of Inspector General. It is assumed there would be no significant fiscal impact to DFPS from provisions authorizing the commissioner to adopt rules.

According to the Office of the Attorney General, Office of Court Administration, and Texas Judicial Council, any additional work resulting from the passage of this bill could be absorbed within current resources.

DFPS estimates a one-time cost of $250,000 in All Funds, including $125,000 in General Revenue Funds, in fiscal year 2018 for modifications to the IMPACT system to allow payments to be processed under the new structure. This analysis assumes IMPACT upgrades are completed in a timely manner. The agency may need to employ temporary employees for manual payment processing if modifications are delayed. This analysis does not reflect any cost for those temporary employees.

The net estimated cost of the bill is $12.9 million in All Funds, including a cost of $17.1 million in General Revenue Funds and a savings of $4.2 million in Federal Funds, in fiscal year 2018 with the cost expected to increase each year due to caseload growth, reaching $14.5 million in All Funds, including a cost of $18.9 million in General Revenue Funds and a savings of $4.4 million in Federal Funds, by fiscal year 2022.

Technology

There would be a one-time cost of $250,000 in All Funds, including $125,000 in General Revenue Funds for modifications to the IMPACT system.

Local Government Impact

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

Source Agencies: 530 Family and Protective Services, Department of, 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 529 Health and Human Services Commission, 696 Department of Criminal Justice

LBB Staff: UP, KCA, LR, JGA, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

February 19, 2017

TO: Honorable Richard Peña Raymond, Chair, House Committee on Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4** by Burkett (Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB4, As Introduced: a negative impact of ($32,543,356) through the biennium ending August 31, 2019.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	($15,488,587)
2019	($17,054,769)
2020	($18,069,054)
2021	($18,901,247)
2022	($19,823,831)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from *General Revenue Fund* 1	Probable Savings/(Cost) from *GR Match For Title IV-E FMAP* 8008	Probable Savings/(Cost) from *Federal Funds* 555
2018	($17,930,408)	$2,441,821	$4,237,408
2019	($19,495,199)	$2,440,430	$4,372,793
2020	($20,513,642)	$2,444,588	$4,386,958
2021	($21,339,278)	$2,438,031	$4,375,192
2022	($22,261,862)	$2,438,031	$4,375,192

Fiscal Analysis

The bill would amend the payment structure for caregiver assistance payments entered into by the Department of Family and Protective Services (DFPS) with relative and other designated caregivers. Instead of providing a uniform annual payment, the bill would require a payment of up to 50 percent of the daily basic foster care rate for caregivers with income at or below 300 percent of the federal poverty limit (FPL) and a one-time payment of up to $1,000 and annual payments thereafter of up to $500 for caregivers with income above 300 percent FPL but less than or equal to 500 percent FPL. Payments would be eliminated for caregivers with income above 500 percent FPL. Any caregiver with income up to 300 percent FPL who entered into an agreement on or after June 1, 2017 but before the effective date of the bill and received monetary assistance would not begin receiving additional payments until the previous payment had been offset.

The bill creates a criminal offense (state jail felony or felony of the third degree if a repeat offense) and civil penalty for persons knowingly entering into a fraudulent caregiver assistance agreement. The bill would require the attorney general to bring an action to recover a civil penalty authorized by the bill. The executive commissioner of the Health and Human Services Commission (HHSC) would be authorized to adopt rules necessary to determine if a violation had occurred.

Methodology

The actual number of children who might be diverted from paid foster care is not known. The estimated cost of this legislation is based on the assumptions outlined below, but costs could be higher or lower depending on actual placements. If the percentage of basic level of care children were higher or children were diverted from other, higher cost, levels of care savings would be increased. For example, if 32 percent of children were diverted from paid foster care the savings would be sufficient to offset all other costs to General Revenue Funds of the bill beginning in fiscal year 2018.

According to DFPS, 70 percent of children in a placement resulting in relative caregiver monetary assistance payments are placed with families having an income up to 300 percent FPL. Based on this estimate, the number of projected recipients of monetary assistance payments under the current structure, and an assumed payment duration of eighteen months, it is assumed that 8,170 average monthly caregivers in fiscal year 2018 will receive a daily payment of $11.55 (50 percent of the current daily basic foster care rate) increasing each year to 9,379 average monthly caregivers by fiscal year 2022. After accounting for savings from no longer making the current annual payments to these caregivers and the required offset for agreements entered into from June to August of 2017, the estimated cost under the new structure of payments to families with income up to 300 percent FPL is $25.9 million in General Revenue Funds in fiscal year 2018 increasing to $30.5 million in General Revenue Funds by fiscal year 2022.

It is assumed the bill would have no effect on the cost of payments for the estimated 14 percent of children placed with families with income above 300 percent but not greater than 500 percent of FPL. It is assumed the remaining 16 percent of children reside in homes with income above 500 percent FPL and no payments would be made for those placements resulting in a savings of $5.1 to $5.2 million in General Revenue Funds in each of fiscal years 2018 through 2022.

It is assumed the new payment structure will increase placements of children with relatives who will receive monetary assistance, reducing paid foster care placements. It is assumed 10 percent of foster care children at the basic level of care will be diverted to the relative caregiver program resulting in an estimated increase of 933 average monthly recipients of the $11.55 daily payment in fiscal year 2018 and an estimated cost of $3.9 million in General Revenue Funds, increasing to 945 average monthly recipients and an estimated cost of $4.0 million in General Revenue Funds by fiscal year 2022. The estimated savings to paid foster care for these children, assuming the projected weighted average daily rate across placement types, is $13.7 to $13.8 million in All Funds, including $9.4 million in General Revenue Funds and $4.3 to $4.4 million in Federal Funds, in each of fiscal years 2018 to 2022. The net savings to General Revenue Funds for children diverted from paid foster care to a relative placement is estimated to be $5.4 million in each of fiscal years 2018 to 2022.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. This analysis assumes no increase in fraud cases and no significant fiscal impact to HHSC for the Office of Inspector General. It is assumed there would be no significant fiscal impact to HHSC from provisions authorizing the executive commissioner to adopt rules.

According to the Office of the Attorney General, Office of Court Administration, and Texas Judicial Council, any additional work resulting from the passage of this bill could be absorbed within current resources.

DFPS estimates a one-time cost of $250,000 in All Funds, including $185,289 in General Revenue Funds, in fiscal year 2018 for modifications to the IMPACT system to allow payments to be processed under the new structure. This analysis assumes IMPACT upgrades are completed in a timely manner. The agency may need to employ temporary employees for manual payment processing if modifications are delayed. This analysis does not reflect any cost for those temporary employees.

The net estimated cost of the bill is $11.3 million in All Funds, including a cost of $15.5 million in General Revenue Funds and a savings of $4.2 million in Federal Funds, in fiscal year 2018 with the cost expected to increase each year due to caseload growth, reaching $15.4 million in All Funds, including a cost of $19.8 million in General Revenue Funds and a savings of $4.3 million in Federal Funds, by fiscal year 2022.

Technology

There would be a one-time cost of $250,000 in All Funds, including $185,289 in General Revenue Funds for modifications to the IMPACT system.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 696 Department of Criminal Justice

LBB Staff: UP, KCA, LR, JGA, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4** by Burkett (Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressing felony sanctions would amend the Family Code as it relates to a caregiver assistance agreement. Under the provisions of the bill, knowingly making or causing a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement would be punishable by a state jail felony or a third degree felony depending on the specific circumstances of the offense.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are also subject to an optional fine not to exceed $10,000.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands on the correctional resources of counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. However, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:
LBB Staff: UP, LM, KJo

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 18, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4** by Burkett (Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.), **As Engrossed**

The provisions of the bill addressing felony sanctions would amend the Family Code as it relates to a caregiver assistance agreement. Under the provisions of the bill, knowingly making or causing a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement would be punishable as a state jail felony or a third degree felony depending on the specific circumstances of the offense.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are also subject to an optional fine not to exceed $10,000.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands on the correctional resources of counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. However, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:
LBB Staff: UP, LM, KJo