

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 22, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB363** by Johnson, Jarvis (relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB363, Committee Report 1st House, Substituted: a negative impact of (\$9,820,282) through the biennium ending August 31, 2021.

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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$5,061,541)
2021	(\$4,758,741)
2022	(\$4,768,741)
2023	(\$4,778,991)
2024	(\$4,789,491)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2019</b>
2020	(\$5,061,541)	50.0
2021	(\$4,758,741)	50.0
2022	(\$4,768,741)	50.0
2023	(\$4,778,991)	50.0
2024	(\$4,789,491)	50.0

**Fiscal Analysis**

The bill would amend the Government Code to establish the Office of Independent Oversight

Ombudsman (OIOO) for the Texas Department of Criminal Justice (TDCJ), for the purpose of monitoring the conditions of confinement and treatment of offenders, investigating offender complaints, and other duties as outlined in the bill. Under the provisions of the bill, the OIOO would exist as a separate agency with certain powers, duties, access to information, facilities, and personnel. However, the OIOO would be administratively attached to the Commission on Jail Standards (TCJS) and would require TCJS to provide office space, accounting and administrative support services. The bill would create an advisory board to advise the OIOO. The bill would take effect September 1, 2019.

## **Methodology**

According to TCJS, the duties and responsibilities associated with implementing the provisions of the bill could not be absorbed within existing resources. TCJS reported that the OIOO would require an estimated 44.0 FTEs to comply with the provisions of the bill. This analysis assumes the estimated cost of 44.0 additional FTEs, including salary, benefits, office space, office furniture, computers, and consumables would be \$3,992,415 in fiscal year 2020. TCJS also estimated that the OIOO would require approximately \$389,800 for travel annually. TCJS would require 6.0 FTEs in order to administratively support such an agency. This analysis assumes an estimated cost of 6.0 additional FTEs, including salary, benefits, office space, office furniture, computers, and consumables would be \$679,326 in fiscal year 2020. The total cost in future years, which excludes one-time expenditures, is estimated to be \$4,758,741 annually.

According to TDCJ, the agency is statutorily required to perform functions and duties similar to those granted to the OIOO by the provisions of the bill, including the ombudsman, offender grievances, PREA ombudsman, and counsel substitute programs. TDCJ would continue to carry out these functions in order to appropriately identify, respond, and resolve offender issues and concerns.

Additionally, TDCJ reports that such oversight provides a management tool to ensure concerns regarding TDCJ inmates and parolees are identified or resolved at the lowest possible level.

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

## **Local Government Impact**

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

**Source Agencies:** 300 Trusted Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 409 Commission on Jail Standards, 696 Department of Criminal Justice, 308 State Auditor's Office

**LBB Staff:** WP, kvel, JSm, LBO, AI, PM