

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 11, 2019

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

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

IN RE: HB3297 by Allen (Relating to the revocation of community supervision for a violation of a condition of community supervision involving the commission of an offense.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3297, As Introduced: a positive impact of \$26,131,655 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	\$4,473,366
2021	\$21,658,289
2022	\$37,820,723
2023	\$48,254,810
2024	\$49,894,048

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
2020	\$4,473,366
2021	\$21,658,289
2022	\$37,820,723
2023	\$48,254,810
2024	\$49,894,048

Fiscal Analysis

The bill would amend the Code of Criminal Procedure as it relates to revocation from community supervision. Under the provisions of the bill, a court could not revoke the supervision of a

defendant unless, while under supervision, the defendant was convicted of any new offense or was arrested for certain more serious offenses. The provision of the bill would take effect on September 1, 2019 and would apply to a person on community supervision on or after that effective date, regardless of when the person was placed on community supervision.

Methodology

Persons revoked from community supervision in fiscal year 2018 were assessed to determine the number who would have qualified, under the bill's provisions, to remain on community supervision rather than being received into state correctional facilities. Exclusions from qualification, as specified in the bill, consist in the defendant either being convicted for a new offense while on supervision, or being arrested for any of the more serious interpersonal offenses under Title 5, Penal Code, or under 42A.054, Code of Criminal Procedure (previously known as 3G offenses).

Based on data reported to the Community Supervision Tracking System, in fiscal year 2018, 19,164 persons were revoked from community supervision for a new offense. Of these, 9,619 were convicted of a new offense while on supervision, and 2,046 were arrested for one of the more serious interpersonal offenses. Because some persons who were among those convicted were also among those who were arrested for the more serious offenses, the net group of persons who would not be eligible, under the provisions of the bill, to retain their supervision status and avoid revocation (10,577), is less than the sum of persons in the two groups.

There are two fiscal components of the bill's provisions. The state would simultaneously realize a savings due to fewer persons being revoked to state correctional facilities as well as a cost to cover the expense of longer terms of community supervision. Rates used in this analysis are based on cost per day figures as reported in the *January 2019 Criminal and Juvenile Justice Uniform Cost* report. The cost per day for state jail is \$52.46, while for all other Texas Department of Criminal Justice facilities it is \$62.34. Daily state cost for community supervision is \$1.92. Fewer than ten were revoked to county jails or other facilities; for these no daily costs are available.

The Office of Court Administration indicates the modifications outlined in the bill's provisions will not result in a significant impact on the state court system. This analysis assumes the bill's provisions would reach partial implementation in fiscal year 2020 and reach full implementation in fiscal year 2021 and beyond. The net impact to the state correctional agencies is estimated to be a savings of \$4,473,366 in fiscal year 2020 and \$21,658,289, in fiscal year 2021.

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: WP, DGi, LM, DA