

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 9, 2019

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

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

IN RE: **SB1698** by Whitmire (Relating to the eligibility of certain juvenile offenders to be transferred to criminal court.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1698, As Introduced: a negative impact of (\$4,132,312) 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 | (\$624,497) |
| 2021 | (\$3,507,815) |
| 2022 | (\$4,288,499) |
| 2023 | (\$4,131,335) |
| 2024 | (\$4,081,183) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from General Revenue Fund |
|--------------------|--|
| 2020 | (\$624,497) |
| 2021 | (\$3,507,815) |
| 2022 | (\$4,288,499) |
| 2023 | (\$4,131,335) |
| 2024 | (\$4,081,183) |

Fiscal Analysis

The bill would amend the Family Code as it relates to the eligibility of certain juveniles to be transferred to adult criminal court. Under the provisions of the bill, a juvenile court would not be able to waive jurisdiction and transfer individuals, who are 15 or 16 at offense, to adult criminal

court to be prosecuted for a state jail or a third degree felony. The bill would take effect on September 1, 2019 and apply only to conduct that occurs on or after the effective date of the Act.

Methodology

Prohibiting the transfer of certain juveniles to adult court is expected to result in increased demands upon the juvenile justice system. It is assumed a juvenile whose case could no longer be transferred to adult court would instead be committed to the Texas Juvenile Justice Department (TJJD). In fiscal year 2018, there were 20 juveniles transferred to adult court whose case would no longer be eligible to be transferred under the provisions of the bill. Savings and costs are based on cost per day figures as reported in the *January 2019 Criminal and Juvenile Justice Uniform Cost* report. Costs are estimated based on the state costs per day for juveniles in TJJD state residential facilities (\$479.56) and on juvenile parole supervision (\$41.07). Savings are estimated based on the state costs per day for adults in Texas Department of Criminal Justice prisons (\$62.34), state jails (\$52.46), and under adult community supervision (\$1.92).

This analysis assumes the bill's provisions would reach partial implementation in fiscal year 2020 and reach full implementation in fiscal years 2021 and beyond. The net impact to state correctional agencies is estimated to be a cost of \$624,497 in fiscal year 2020 and \$3,507,815 in fiscal year 2021.

The Office of Court Administration indicates the modifications outlined in the bill's provisions will not result in a significant fiscal impact to the state court 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, 644 Juvenile Justice Department

LBB Staff: WP, LBO, LM, JPo