

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 3, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

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

IN RE: **SB1803** by Huffman (Relating to changing the eligibility of persons charged with certain offenses to receive community supervision, including deferred adjudication community supervision.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1803, As Introduced: a negative impact of (\$393,658) through the biennium ending August 31, 2021.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2020 | (\$67,600) |
| 2021 | (\$326,058) |
| 2022 | (\$1,210,788) |
| 2023 | (\$5,904,613) |
| 2024 | (\$5,848,697) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from General Revenue Fund 1 |
|-------------|---|
| 2020 | (\$67,600) |
| 2021 | (\$326,058) |
| 2022 | (\$1,210,788) |
| 2023 | (\$5,904,613) |
| 2024 | (\$5,848,697) |

Fiscal Analysis

The bill would amend various codes as they relate to changing the eligibility of persons charged with certain offense to receive community supervision, including deferred adjudication community supervision. Under the provisions of the bill, individuals charged with certain indecency with child, trafficking, and prostitution offenses are no longer eligible for community supervision. These modifications to the Code of Criminal Procedure would also add individuals

convicted of these offenses to the list of those ineligible for parole supervision or required to serve a term of incarceration, without consideration of good conduct time, one-half of the sentence or 30 calendar years, whichever is less, with a two calendar year minimum before the individual would be eligible for release onto parole. The bill also makes modifications to the eligibility for emergency medical service personnel certification and license based on these offenses. Under current statute, individuals charged with the offenses outlined in the bill can be placed on community supervision or incarcerated.

Methodology

The State would realize a cost to the General Revenue Fund due to the increase in individuals incarcerated. To estimate the fiscal impact, LBB staff analyzed data belonging to individuals placed under community supervision in fiscal year 2018 for the offenses outlined in the bill's provisions. Also built into the analysis was a time lag between offense date and receipt into the correctional institutions. The time lag was based on that observed within both the community supervision and correctional institution datasets analyzed. LBB staff estimated the time incarcerated based on sentencing patterns and the actual time served for those individuals with identical or similar offenses who were released from incarceration in fiscal year 2018. After calculating how much additional time would be spent incarcerated, the number of additional days were multiplied by the systemwide cost per day per person for fiscal year 2018 (\$62.34).

The costs were offset by savings realized due to the decrease in individuals placed on community supervision for these offenses. The decrease in demand for each fiscal year was adjusted based on the projections published in the January 2019 Adult and Juvenile Correctional Population Projections report. The state cost per day per person for community supervision (\$1.92) was multiplied by the adjusted decrease in placements to felony community supervision.

The systemwide and community supervision costs per day per person are as reported in the January 2019 Criminal and Juvenile Justice Uniform Cost Report. These estimates are based on the assumption that sentencing patterns and release policies not addressed in this bill remain constant.

The Office of Court Administration and the Department of State Health Services indicate the modifications outlined in the bill's provisions will not result in a significant fiscal impact.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: WP, CMa, LM, SPa