

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 26, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB385 by Pacheco (Relating to conditions of community supervision and procedures applicable to the reduction or termination of a defendant's period of community supervision.), **As Passed 2nd House**

The fiscal impact to the State cannot be determined due to the lack of data necessary to determine the number of people whose community supervision would be terminated early under the provisions of the bill.

The bill would amend the Code of Criminal Procedure and Government Code as they relate to community supervision. The bill would modify the conditions of community supervision that could be required and expand the purposes for modifying the conditions of community supervision. The bill would expand the court's considerations as it relates to a defendant's ability to pay. Under the bill's provisions, if the defendant does not have sufficient resources to pay, the court would be required to make certain determinations.

The bill would require the supervision officer to notify the court if certain defendants complete court-ordered counseling or treatment and make delinquent restitution payments as applicable. The bill would require the court to review the defendant's record and consider whether to reduce or terminate the period of community supervision. The bill would allow the judge to reduce or terminate the period of community supervision under certain circumstances.

Reducing the period of community supervision under certain circumstances could result in fewer demands upon the correctional resources of counties or of the state due to a decrease in the length of stay of individuals placed under community supervision and a subsequent decrease in the number of individuals under community supervision. Whether the bill would result in a significant fiscal impact cannot be determined due to the lack of data or information related to the number of people whose community supervision would be terminated early under the provisions of the bill.

Based on the analysis of the Comptroller of Public Accounts, the extent to which revenue would be impacted cannot be estimated.

Based on the analysis of the Office of Court Administration, Department of Criminal Justice, and Board of Pardons and Paroles, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

According to the Justices of the Peace and Constables Association, no significant fiscal impact to justice courts is anticipated.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JMc, CMA, DKN, MW, BH, WP, JPO, LBO, LM, AF