

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 15, 2023

TO: Honorable Abel Herrero, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB361 by Thompson, Senfronia (Relating to the placement on community supervision, including deferred adjudication community supervision, of a defendant who is the primary caretaker of a child.),
As Introduced

Prohibiting confinement as a condition of community supervision may result in reduced demands upon state correctional resources due to a possible decrease in the number of individuals placed in confinement in a state-operated facility. The fiscal implications cannot be determined due to the lack of statewide data to identify the number of individuals with an ordered condition of confinement and who were a primary caretaker of a child as defined in the bill's provisions.

The bill would prohibit a court that placed on deferred adjudication or community supervision a defendant who is the primary caretaker of a child from requiring as a condition of such supervision that the defendant be confined, unless the court proceeded with an adjudication of guilt for someone placed on deferred adjudication, the court determined that the defendant violated a condition of community supervision, or the defendant's supervision was revoked.

Various terms of confinement may be ordered as a condition of community supervision, including placement in a substance abuse felony punishment facility. In fiscal year 2022, there were 4,302 individuals admitted into a state substance abuse felony punishment facility as a condition of community supervision. It is unknown how many individuals would have met the definition of primary caretaker of a child as outlined in the bill's provisions.

Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day was \$89.98 for an adult in a state-operated substance abuse felony punishment facility and \$51.03 for an adult in a privately-operated substance abuse felony punishment facility. The average length of stay for an individual released from a substance abuse felony punishment facility in fiscal year 2022 was approximately 217 days.

The impact to state correctional populations or on the demand for state correctional resources cannot be determined due to the lack of statewide data to identify the number of individuals with an ordered condition of confinement and who were a primary caretaker of a child as defined in the bill's provisions.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, prohibiting confinement as a condition of community supervision may result in reduced demands upon local correctional resources due to a possible decrease in the number of individuals placed in confinement in a local-operated facility.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, DDel, LBO, DGI, MW, BH