

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 21, 2023

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1654 by Cook (Relating to the eligibility of a child for a determinate sentence for engaging in delinquent conduct that constitutes certain organized criminal activity.), **As Introduced**

The fiscal implications of the bill cannot be determined and would be dependent on the number of youth given a determinate sentence or committed to the Texas Juvenile Justice Department (TJJD).

The bill would add engaging in organized criminal activity to the offenses eligible for a determinate sentence in juvenile judicial proceedings if the organized criminal activity includes an offense eligible for a determinate sentence other than criminal conspiracy.

Expanding the conduct qualifying for a determinate sentence may result in additional demands upon state correctional resources by increasing the term of confinement of a juvenile in a TJJD facility or a local secure post-adjudication facility and by permitting a juvenile to be transferred to complete their sentence in the adult criminal justice system on their 19th birthday.

In fiscal year 2022, 426 individuals were formally referred to a juvenile probation department, 234 individuals were placed on juvenile probation supervision, and 8 individuals were admitted to a juvenile state correctional facility for engaging in organized criminal activity, although it is unknown if the activity relates to an offense eligible for a determinate sentence. Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day for a juvenile committed to TJJD and placed in a secure residential facility was \$709.66, which resulted in an annual cost of \$259,026. The fiscal year 2022 state uniform cost per day for a juvenile placed in a local secure post-adjudication facility was \$71.03, which resulted in an annual state cost of \$25,926.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, expanding the conduct qualifying for a determinate sentence may result in increased demands upon local correctional resources by increasing the term of confinement of a juvenile in a secure post-adjudication facility and by permitting a juvenile to be transferred to complete their sentence in the adult criminal justice system on their 19th birthday. According to the Office of Court Administration, while the fiscal impact to courts cannot be determined, the increased punishment range may increase the length of punishment hearings.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

LBB Staff: JMc, DDel, LBO, ESch