

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 20, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1811 by Hefner (Relating to creating the criminal offense of tampering with an electronic monitoring device.), **As Introduced**

Creating a criminal offense may result in additional demands upon state correctional resources due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to a lack of statewide data to identify the supervision status of an individual who removed or disabled or who attempted to remove or disable a required tracking device or the remaining sentence length for such an individual. Depending on the number of individuals that may be removed from parole or mandatory supervision and incarcerated as a result of committing an offense under the bill's provisions, the fiscal impact could be significant.

The bill would create a Class A misdemeanor offense for knowingly removing or disabling or attempting to remove or disable a tracking device that the person is required to wear to enable electronic monitoring of the person's location required as a condition of release on parole or to mandatory supervision.

In fiscal year 2022, the total number of adults served through the Texas Department of Criminal Justice parole division's electronic monitoring and super-intensive supervision program were 9,799 and 4,257, respectively. TDCJ reports that a total of 1,127 parole warrants were executed and confirmed a monitor strap for an individual on parole supervision was cut or the warrant remains active following an alert for a cut strap that could not be immediately resolved. Statewide data does not exist to identify the supervision status of an individual who removed or disabled or who attempted to remove or disable a required tracking device or the remaining sentence length for such an individual.

Based on the February 2023 *Criminal and Juvenile Uniform Cost Report*, the fiscal year 2022 uniform cost per day was \$21.71 for an adult on parole supervision and in the electronic monitoring program and was \$50.32 for an adult on parole supervision and in the super-intensive supervision program. The uniform cost per day for an incarcerated adult in a systemwide facility was \$77.49. The difference between the length of stay on a parole supervision program and incarceration as a result of revocation for an offense under the bill's provisions cannot be determined.

It is assumed that any impact on state juvenile correctional populations or on the demand for state juvenile correctional resources would not be significant.

Local Government Impact

While the fiscal impact cannot be determined, creating a criminal offense may result in additional demands upon local correctional resources due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JMc, DDel, LBO, MGol