

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 24, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3147 by Swanson (Relating to the detainment and housing of juveniles and inmates based on biological sex.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3147, As Introduced : an impact of \$0 through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	\$0
2025	\$0
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from Vital Statistics Account 19</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$300,120)	4.0
2025	(\$367,928)	4.0
2026	(\$367,928)	4.0
2027	(\$367,928)	4.0
2028	(\$367,928)	4.0

Fiscal Analysis

The bill would amend the Government Code and the Family Code as it relates to the detainment and housing of juveniles and adult inmates based on biological sex. The bill would prohibit the Texas Department of Criminal Justice (TDCJ) and the Texas Juvenile Justice Department (TJJJ) from housing a juvenile or adult inmate in certain facilities that are designed for the biological sex opposite to the juvenile's or adult inmate's biological sex. Under the provisions of the bill, the Department of Vital Statistics or other applicable state agencies may not charge TDCJ or TJJJ for a birth certificate request in order to determine a juvenile's or adult inmate's biological sex.

According to the Department of State Health Services (DSHS), there would be an estimated cost of \$300,120 in fiscal year 2024 and \$367,928 in fiscal year 2025 in All Funds for 4.0 additional Fulltime Equivalents (FTEs) to process the increased demand for birth certificates.

According to TJJJ, while male youths and female youths are physically separated and have no interaction, no TJJJ facility was designed to house only female youths. There could be costs associated with housing female youths in a separate facility, however; the fiscal impact cannot be determined at this time.

According to TDCJ, any costs associated with the bill could be absorbed using existing resources.

Methodology

DSHS assumes an additional 20,555 additional birth certificate orders would be added to the annual workload based on the number of admissions annually in secure facilities and youth detention facilities estimated by TJJJ. DSHS assumes TDCJ would refer to the initial intake screening as required by the Prison Rape Elimination Act national standards rather than the birth certificate for determining an inmate's biological sex resulting in few birth certificate requests from TDCJ.

Due to the prohibition of imposing any costs to TDCJ and TJJJ by DSHS for birth certificate requests, DSHS estimates that the Vital Statistics program would not receive \$0.5 million (based on a \$22 charge per request) in each fiscal year for the number of estimated birth certificate requests under the bill.

It is assumed that DSHS would require an additional 4.0 FTE Customer Representative V positions to address the increased demand for order fulfillment. A Customer Service Representative can process approximately 5,200 orders annually. Salary and benefits for the 4.0 Customer Service V positions are estimated to be \$300,120 from General Revenue-Dedicated Account No.19 in fiscal year 2024 and \$367,928 from General Revenue-Dedicated Account No.19 in fiscal year 2025. The lesser amount in fiscal year 2024 is due to the positions starting later in the fiscal year.

Additional Non-Information Technology (IT) costs at DSHS are estimated to be \$0.1 million in each fiscal year.

Technology

Technology costs at DSHS are estimated to be less than \$0.1 million in each fiscal year.

Local Government Impact

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

Source Agencies: 537 State Health Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice

LBB Staff: JMc, DDel, KFB, KVLE, APA