

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 22, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB23 by Huffman (Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision and parole for certain felony offenses in which a firearm is used or exhibited.), **As Introduced**

Removing eligibility for community supervision, increasing time until parole eligibility, and increasing the penalty sentence length for an existing criminal offense may result in an increase in demands upon state correctional resources due to a possible increase in the number of individuals sentenced to a term of confinement as well as an increase in the average length of stay for such individuals. The fiscal implications of the bill cannot be determined due to the lack of statewide data to identify the number of cases where there was an affirmative finding of the use or exhibition of a firearm.

The bill would increase the term of imprisonment to 10 years for certain felony offenses if there was an affirmative finding regarding the use or exhibition of a firearm. The bill would prohibit a defendant from being eligible for jury-recommended community supervision if convicted of such an offense and from being eligible for deferred adjudication community supervision if the judge finds that a firearm was used or exhibited during the commission of such an offense or during the immediate flight from the commission of such an offense. The bill would prohibit an individual serving a sentence for such an offense from being eligible for release on parole in less than 10 calendar years.

The Office of Court Administration (OCA) does not anticipate a significant fiscal impact to the state court system. The Comptroller of Public Accounts and OCA indicate that there may be a revenue impact related to court costs but that the impact cannot be determined.

The impact on 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 cases where there was an affirmative finding of the use or exhibition of a firearm. Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day for an incarcerated adult was \$77.49 in a systemwide facility, which resulted in an annual cost of \$28,284.

Local Government Impact

The fiscal impact to units of local government cannot be determined; however, removing the eligibility for community supervision may result in a decrease in local correctional populations or on the demands upon local correctional resources due to a possible decrease in the number of individuals placed under supervision in the community.

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

LBB Staff: JMc, SMAT, LBO