

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 22, 2023

TO: Honorable Brian Birdwell, Chair, Senate Committee on Border Security

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB600 by Birdwell (Relating to increasing the minimum term of imprisonment for certain criminal offenses involving the smuggling of persons.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB600, As Introduced : a negative impact of (\$4,157,526) 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	(\$2,125)
2025	(\$4,155,401)
2026	(\$8,199,992)
2027	(\$12,244,582)
2028	(\$16,289,173)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2024	(\$2,125)
2025	(\$4,155,401)
2026	(\$8,199,992)
2027	(\$12,244,582)
2028	(\$16,289,173)

Fiscal Analysis

The bill would increase the minimum term of imprisonment from two years to five years for the second and third degree felony offenses of smuggling of persons and for the second degree felony offense of continuous smuggling of persons.

Methodology

The average length of stay for an individual released from community supervision in fiscal year 2022 for the offenses of smuggling of persons and continuous smuggling of persons was approximately 3.9 years. Under

current law, the minimum period of community supervision for a felony case is the same as the minimum term of imprisonment applicable to the offense; therefore, it is assumed that an increased minimum term for individuals sentenced to community supervision for these offenses would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the uniform cost per day for an adult incarcerated in a Texas Department of Criminal Justice systemwide facility was \$77.49. In fiscal year 2022, there were 135 individuals admitted into prison for these smuggling offenses. The average length of stay for an individual released from prison in fiscal year 2022 for the offenses of smuggling of persons and continuous smuggling of persons was approximately 1.0 year. The estimated impact on adult correctional populations would follow both the fiscal year 2022 observed rate of admission to prison and the average time between offense and admission to prison for these smuggling offenses. In addition, the length of stay for this estimate is based on the minimum term of imprisonment of five years outlined in the bill's provisions.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, it would be contingent on costs associated with enforcement, prosecution, supervision, or confinement related to these smuggling offenses.

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

LBB Staff: JMc, DDeI, LBO