

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**March 6, 2023**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: SB1004** by Huffman (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 lack of statewide data regarding the number of individuals required to submit to electronic monitoring as a condition of certain supervision and the number of individuals who knowingly removed or disabled a required electronic monitoring device. Depending on the number of individuals that may be removed from a form of 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 an offense for removing or disabling an electronic monitoring device that is required as a condition of house arrest, community supervision, parole, mandatory supervision, or release on bail. The offense would be a state jail felony, except that it would be a third degree felony if the individual is in the Texas Department of Criminal Justice's super intensive supervision program.

While statewide data does not exist to determine the fiscal impact relating to the entire population required to submit to electronic monitoring as a condition of certain supervision, data for adult parole supervision is available. In fiscal year 2022, the total number of adults served through the Texas Department of Criminal Justice parole division's electronic monitoring program and super-intensive supervision program were 9,799 and 4,257, respectively. In fiscal year 2022, TDCJ reported 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.

Based on the *February 2023 Criminal and Juvenile Justice 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 was \$73.39 in a state jail facility and \$77.49 in a systemwide facility. The difference between the length of stay on a parole supervision program and incarceration for an offense under the bill's provisions cannot be determined.

Based on information provided by the Texas Juvenile Justice Department, 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 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.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 644

Juvenile Justice Department, 696 Department of Criminal Justice

**LBB Staff:** JMc, DDeI, LBO, MGol