

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 24, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1610 by Perry (Relating to sexually violent predators, to the Texas Civil Commitment Office, and to the prosecution of the offense of harassment by sexually violent predators and other persons confined in certain facilities; amending and harmonizing certain statute of limitations provisions; amending certain sex offender registration requirements; changing the eligibility for community supervision, parole, and mandatory supervision for sexually violent predators; creating a criminal offense; increasing criminal penalties.), **As Introduced**

Increasing the penalty for an existing offense and removing supervision options may result in additional demands upon state correctional resources due to a possible increase in the number of individuals confined and in the length of stay for individuals sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to the lack of data to identify the number of cases in which a person committed an offense while civilly committed.

Amongst other offense-related provisions, the bill would increase the penalty for certain offenses if committed while the actor is civilly committed to the Texas Civil Commitment Office (TCCO) and determine the sentence as life in prison for a conviction of any felony offense other than a state jail felony. The bill would also prohibit the release of a person convicted of a felony that occurred while civilly committed to TCCO onto community supervision, parole, or mandatory supervision.

Amongst other agency-related provisions, the bill would require the Health and Human Services Commission (HHSC) to pay certain costs associated with duties or services provided in assessing an individual's readiness for treatment.

The bill would allow the assistance of the attorney general on any legal matter brought against a person providing a service who is immune from liability and would also allow the recovery of court costs and attorney fees.

The Office of Court Administration, Office of the Attorney General, and HHSC do not anticipate a significant fiscal impact.

Though the fiscal impact of the bill cannot be determined, removing individuals from civil commitment to TCCO and sentencing them to a life sentence within the Texas Department of Criminal Justice (TDCJ) would result in cost savings to TCCO which would be partially offset by increased costs to TDCJ. The fiscal year 2025 per diem rate for those civilly committed to TCCO is \$117.53. Based on the *The January 2025 Biennial Report on Adult Criminal Justice Populations Fiscal Years 2018 to 2030*, the fiscal year 2024 average daily cost for those incarcerated at TDCJ was \$86.50.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 529 Health and Human Services Commission, 696 Department of Criminal Justice

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