

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 30, 2025

TO: Honorable Sam Harless, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2405 by Parker (Relating to the continuation and functions of the Texas Board of Criminal Justice and the Texas Department of Criminal Justice and to the functions of the Board of Pardons and Paroles, the Correctional Managed Health Care Committee, the Texas Correctional Office on Offenders with Medical or Mental Impairments, and the Windham School District.), **As Engrossed**

The fiscal implications related to amending certain rules regarding an individual's release on parole cannot be determined due to a lack of data on affected individuals but may result in a change in demand upon state correctional resources. The fiscal implications of developing a long-term facility and staffing plan cannot be determined due to the fact that the agency may need to utilize a private contractor to complete the plan, the cost of which is unknown at this time.

The bill would amend Sections of Government Code, Education Code, and Health and Safety Code as they relate to the continuation and functions of the Texas Board of Criminal Justice (TBCJ), the Texas Department of Criminal Justice (TDCJ), the Board of Pardons and Paroles (BPP), the Correctional Managed Health Care Committee (CMHCC), the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), and the Windham School District. Based on information provided by the Sunset Advisory Commission (Sunset) and TDCJ, this analysis assumes that most of the duties and responsibilities associated with implementing the provisions of the bill could be accomplished with existing resources. However, the fiscal implications of the provisions of the bill related to parole-voted program placement buffer times and placement delays cannot be determined due to a lack of data on affected individuals and the impact on certain correctional resources. Additionally, TDCJ has indicated that the long-term facility and staffing plan required by the bill may have a fiscal impact.

The bill would amend Education Code to refine the goals and programs of the Windham School District, emphasizing career and technical education, market-relevant skills, and data-driven evaluation of program effectiveness. The bill would require TDCJ and the Windham School District to jointly develop a strategic plan to reduce parole-voted program placement timelines by 50 percent by September 1, 2027, and eliminate placement delays. According to Sunset, TDCJ would incur savings due to shortened parole-voted placement buffer times and the elimination of placement delays of approximately \$49,111,430 per fiscal year beginning in fiscal year 2028. Based on the information provided by Sunset, this analysis assumes a reduction of approximately 1,736 average daily individuals incarcerated in each of the next five fiscal years and applies the fiscal year 2022 cost per day of \$77.49, as published in the Legislative Budget Board's (LBB) February 2023 Criminal and Juvenile Uniform Cost Report. According to the LBB's January 2025 Biennial Report on Adult Criminal Justice Populations Fiscal Year 2018 to 2030, the average daily number of individuals incarcerated at TDCJ is projected to be 147,594 in fiscal year 2026, increasing to 151,454 by fiscal year 2030. The reduction in average daily individuals incarcerated assumed above by Sunset would be offset by an increase in average daily individuals on adult parole supervision, providing TDCJ with an indeterminate amount of cost avoidance against the increase in demand on correctional resources over the same time period assumed by the LBB's population projections.

The bill would also require TDCJ to prepare a 10-year facilities and staffing plan, to include a phased closure of understaffed facilities, due by September 1, 2026. According to Sunset, there would be no fiscal impact from this provision, but according to TDCJ there may be a fiscal impact in compiling this plan if they find they must

contract with a third party, the cost of which is unknown.

The bill would require TDCJ to maintain a comprehensive inventory of active programs and collect performance data to evaluate effectiveness, submitting biennial reports to legislative leadership and relevant committees. The bill would also adjust TBCJ membership requirements, update training for board members and parole commissioners, and task TBCJ with revising parole officer salary ladders and caseload guidelines. Based on information provided by the Sunset and TDCJ, it is assumed that any costs related to these provisions could be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles, 701 Texas Education Agency, 720 The University of Texas System Administration, 768 Texas Tech University System Administration, 781 Higher Education Coordinating Board

LBB Staff: JMc, MGol, JLa, CSh