

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 26, 2009

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

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1206 by Hinojosa (Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1206, As Introduced: a positive impact of \$13,577,726 through the biennium ending August 31, 2011.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$8,303,087
2011	\$5,274,639
2012	\$3,620,727
2013	\$3,564,852
2014	\$2,302,067

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from General Revenue Fund 1
2010	\$8,303,087
2011	\$5,274,639
2012	\$3,620,727
2013	\$3,564,852
2014	\$2,302,067

Fiscal Analysis

The bill would implement a recommendation in the report, "Reduce the Prison Population by Reducing Parole Process Delays" in the Legislative Budget Board's *Government Effectiveness and Efficiency Report* submitted to the Eighty-first Texas Legislature, 2009.

The bill would amend the Government Code to require the Texas Department of Criminal Justice to receive approval from the Board of Pardons and Paroles to place an inmate in a different rehabilitation program than the one ordered by the parole panel if the inmate is required to complete a specific department rehabilitation program before release.

The bill would also require a parole panel that requires an inmate to complete a specific rehabilitation program as a condition of release to specify a range of dates during which the department may release

the inmate. The bill requires that the range of dates to be established by the parole panel be at least 30 days and no more than 45 days from the inmate's target release date. The bill would require that an inmate who has been granted parole contingent upon completion of a rehabilitation program can be released only if the inmate has successfully completed the program specified by the parole panel and has satisfied all other conditions of release specified by the parole panel.

The bill would be effective on September 1, 2009.

Methodology

The bill is expected to decrease the number of days an offender whose release is contingent upon completion of a rehabilitation program is incarcerated and would result in a net savings of \$13.6 million in General Revenue Funds in the 2010-11 biennium.

Under current law, the average number of days from in-prison rehabilitation program completion to release for an offender with a parole vote of FI-3R is 61 days; for an offender with an FI-6R vote is 78 days; and for an offender with an FI-7R vote is 39 days. This analysis assumes that the bill would decrease the time between program completion and release by an average of 25 days. Specifically, it would decrease the number of days in prison for an offender with an FI-3R vote by 35 days; for an offender with an FI-6R vote by 20 days; and for an offender with an FI-7R vote by 10 days. The reduction in days would result in a shift of offenders from prison to parole supervision, with the largest impact in the first year of implementation and a decreasing impact in subsequent years.

Assuming that sentencing patterns and release policies not addressed in this proposal remain constant, the prison population is expected to be reduced by 619 offenders in fiscal year 2010 and 393 offenders in fiscal year 2011 as a result of allowing the release of offenders upon completion of a Parole Board specified rehabilitation tier program even if the target release date has not been met. The total savings attributed to the reduction in the prison population for the 2010-11 biennium is \$14.7 million in General Revenue Funds. This savings is calculated based on \$40 per inmate per day for 365 days.

The net savings of \$13.6 million in General Revenue Funds reflects the increased cost of parole supervision estimated at \$3.26 per day per offender for the offenders who would be shifted from prison to parole supervision. Parole supervision costs would increase by \$736,746 for fiscal year 2010 and \$468,027 in fiscal year 2011, for a total biennial amount of \$1.2 million in General Revenue Funds.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, JI, YD