

Impact Analysis of S.B. 1067: Sentencing Reform Recommendations



April 14, 1993

Criminal Justice Policy Council
P.O. Box 13332
Austin, Texas 78711
(512) 463-1810

143/53

Impact Analysis of S.B. 1067 Sentencing Reform Recommendations

143153

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Texas Criminal Justice Policy
Council

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

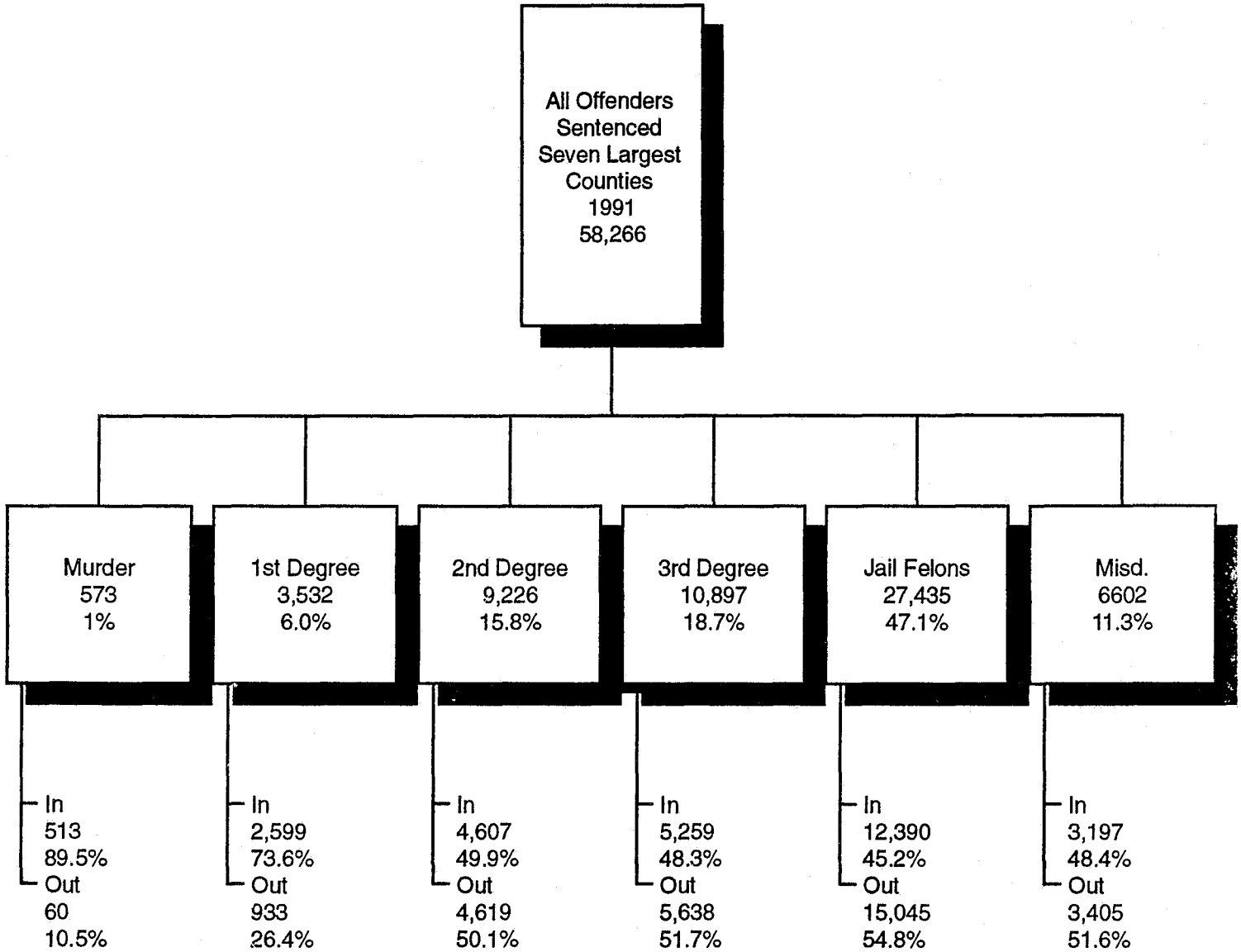
April 14, 1993

Criminal Justice Policy Council
P.O. Box 13332
Austin, Texas 78711
(512) 463-1810

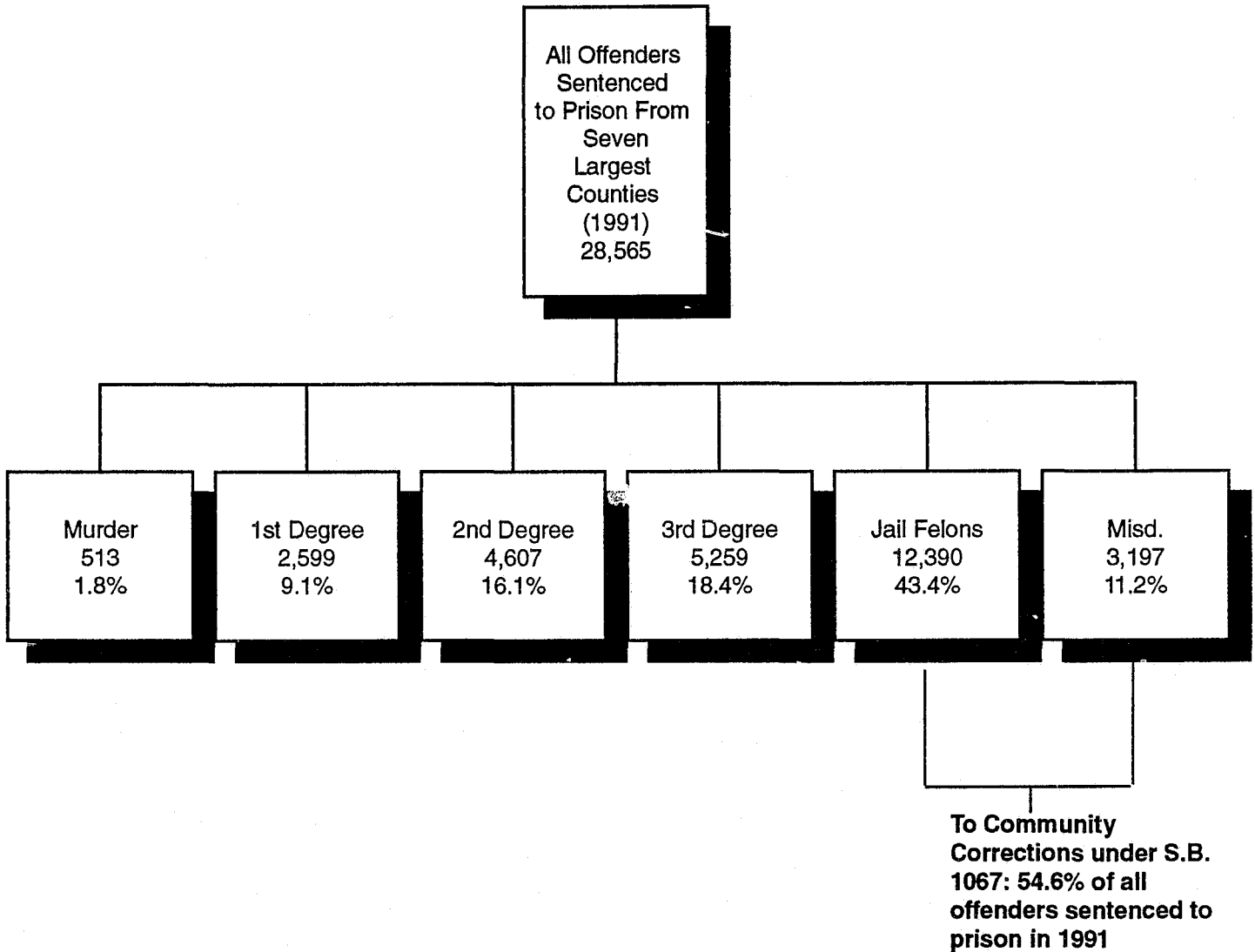
PART I

ANALYTICAL OVERVIEW OF S.B. 1067

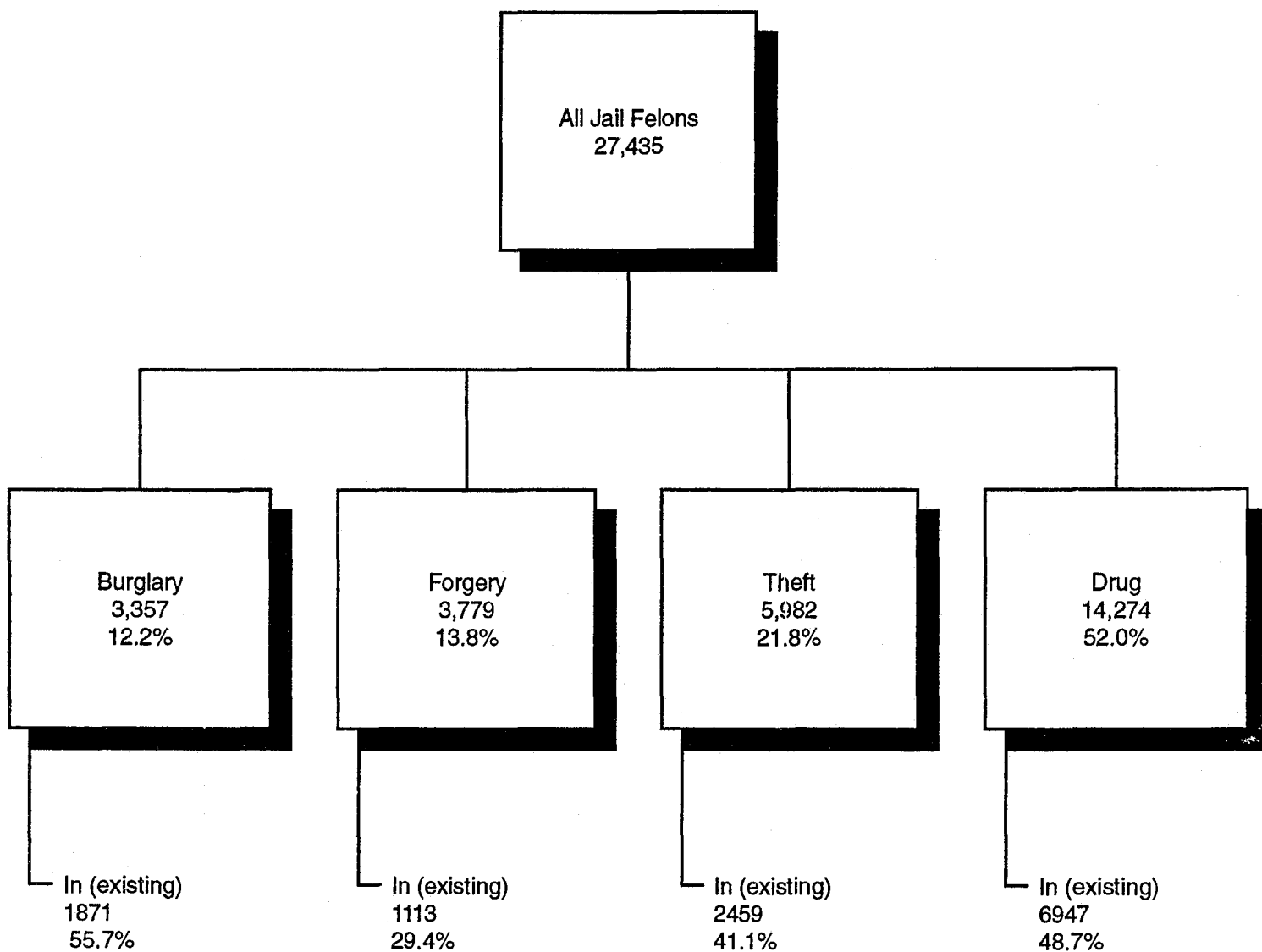
S.B. 1067 Applied to Sentencing Dynamics Data



S.B. 1067 Offenders Sentenced to Prison



S.B. 1067: State Jail Felons by Offense and Number Currently Sentenced to Prison

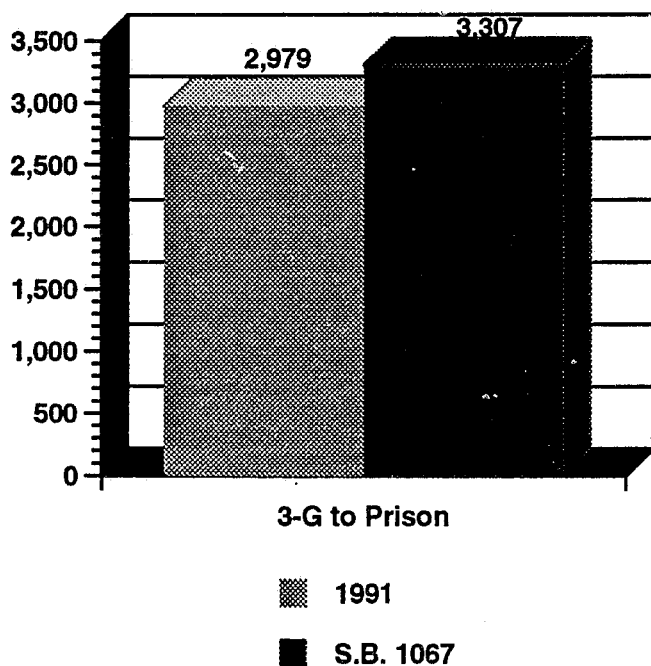


Note: .2% of all Jail Felons fell into other categories

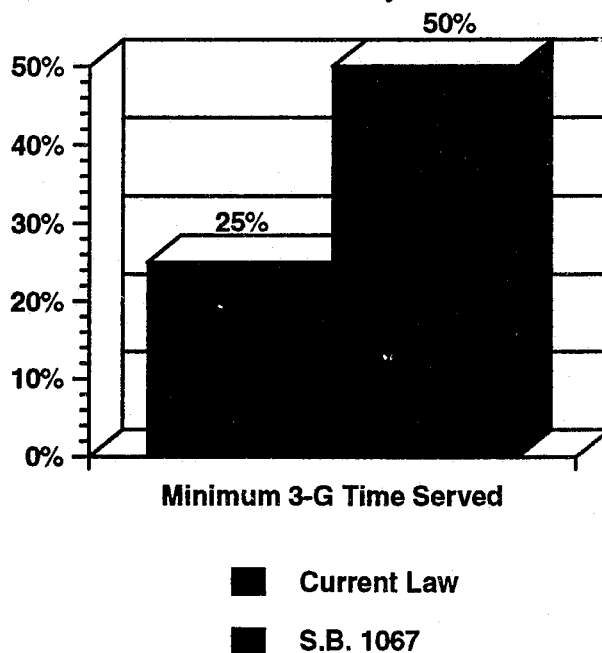
S.B. 1067: Aggravated Offenses

- Under the proposed legislation offenders convicted of an aggravated (3-G) offense would serve a minimum of 50% of their prison sentence (current legislation requires a minimum time served of 25% of sentence)
- The proposed legislation adds Murder and Indecency with Child by Contact to the category of aggravated crimes.

Number of 3-G Offenders Sentenced to Prison, 1991 and S.B. 1067



Minimum Time Served by 3-G Offenders



PART II

SYSTEM DYNAMICS: PROJECTED POPULATION IMPACT OF S.B. 1067

Assumptions to Test Impact of S.B. 1067

- Note on Assumptions
 - The assumptions made to test the impact of the new sentencing system were made based on:
 - Data from the CJPC Sentencing Dynamics Study (Study)
 - Directions from the Senate Criminal Justice Committee Working Group (Group)
 - Prior work from the Criminal Justice Policy Council staff (CJPC)
 - The source of each assumption is noted in parentheses below
- Implementation timeline
 - The legislation will become effective on September 1, 1994 (Group)
 - Assumptions concerning the operation of current system will be those made by the CJPC for the baseline projection of February 2, 1993
 - 75 releases per day
 - 5.5% of backlog released on Parole-in-Absentia
 - Prison construction is based on Legislative Budget Board phase-in schedule of January 1993
- Diversion population
 - Approximately 43% of the offenders presently sentenced to prison will be diverted to community corrections as a Jail Felon (Group-Study)
 - Jail Felons will serve an average of 4.3 years. in community corrections supervision (Group)
 - Capacity in state jails will be provided for Jail Felons to serve an average of (Group):
 - 6 months in 1995
 - 10 months in 1996
 - 13 months in 1997
 - 18 months in 1998 and 1999
 - 21 months in 2000
 - Felons that have a prior conviction for an aggravated offense or are convicted with an affirmative weapons finding are not eligible to be sentenced as a Jail Felon (Group)

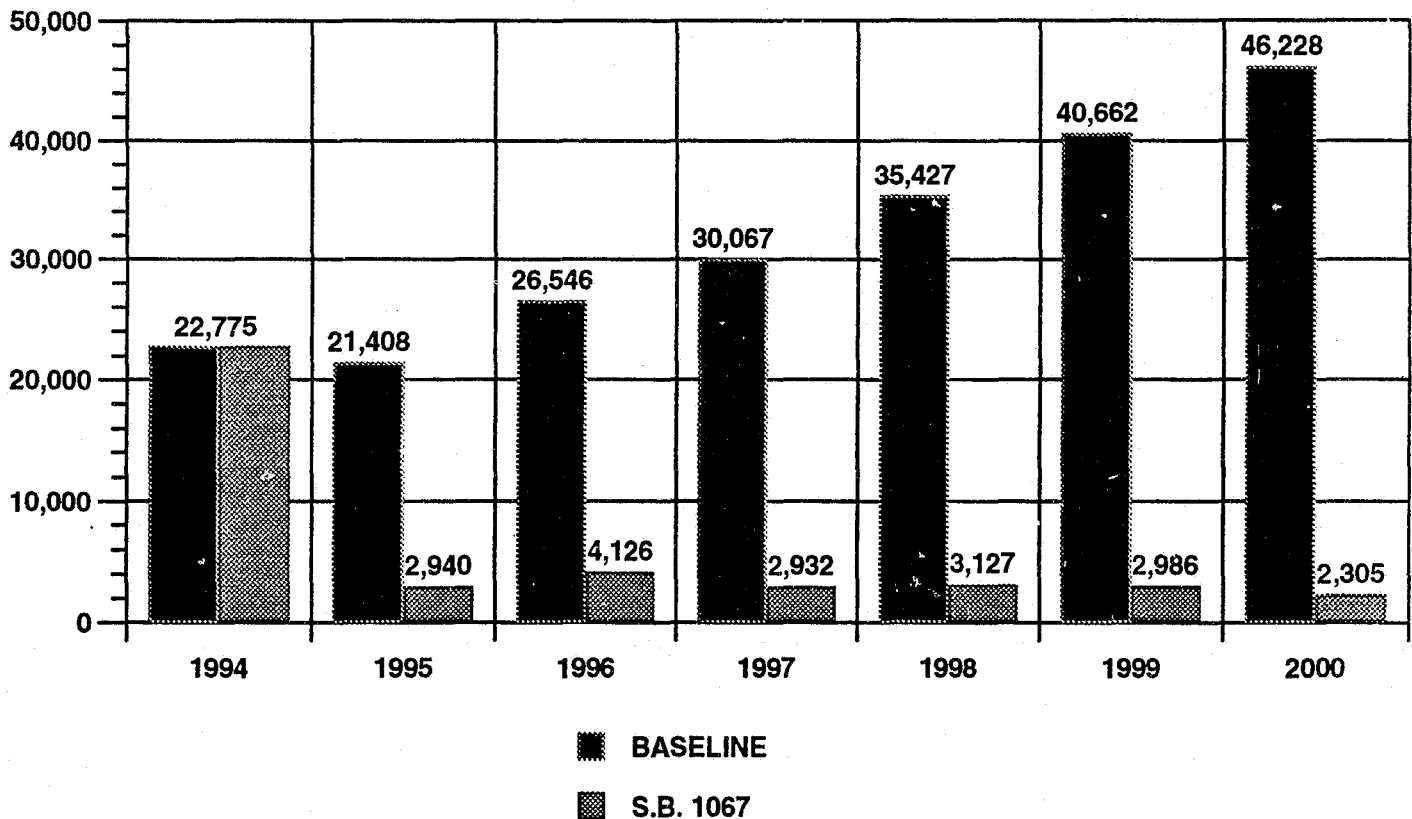
Assumptions (continued)

- Another 11% of offenders presently sentenced to prison will be diverted from prison by categorizing their crimes as misdemeanors (Group-Study)
- Population sentenced to prison
 - Those sentenced to prison for aggravated offenses will serve 50% of their sentence before parole eligibility (Group)
 - Those sentenced to prison for non-aggravated offenses will serve an average of 35% of their sentence (Group)
 - Parole-in-Absentia from jails will continue with 5.5% of the backlog being released (Group)
- Recidivism
 - Jail Felons under community supervision who commit additional Jail Felonies will not be sentenced to prison but will continue to serve time in the state jail system (Group)
 - Jail Felons who commit a First, Second, or Third Degree felony offense while under supervision will be sentenced to prison and will be given a sentence based on their new felony (Group)
- Substance Abuse Punishment Facilities
 - Jail Felons who are eligible for substance abuse treatment will be assigned to a Substance Abuse Punishment Facility as a condition of their supervision (CJPC)
 - Other offenders will also be assigned to these facilities as needed to maintain them at capacity (CJPC)
 - Approximately 95% of the offenders placed in the facilities will complete the drug treatment program successfully (CJPC)
 - All those completing the program successfully will be ordered by the court to complete their sentences on probation (CJPC)
 - These offenders will have a recidivism rate that is 10% lower than the regular probation recidivism rate (CJPC)
 - All those not completing the program successfully will be ordered by the court to complete their sentences in prison or state jail (CJPC)

Projected Jail Backlog Under S.B. 1067 Compared with Baseline

- The projected jail backlog under the revised proposal is substantially lower than under baseline by August of 1995 due to the interaction of two factors
 - The impact of increased correctional capacity becoming operational during 1994 and 1995 (over 26,000)
 - The impact of a sudden decrease in the prison admission pressure due to the massive diversions created by the new sentencing system
- By the year 2000 the backlog under the revised proposal is substantially lower than baseline because Jail Felons who recidivate by committing jail felonies will not be sentenced to prison

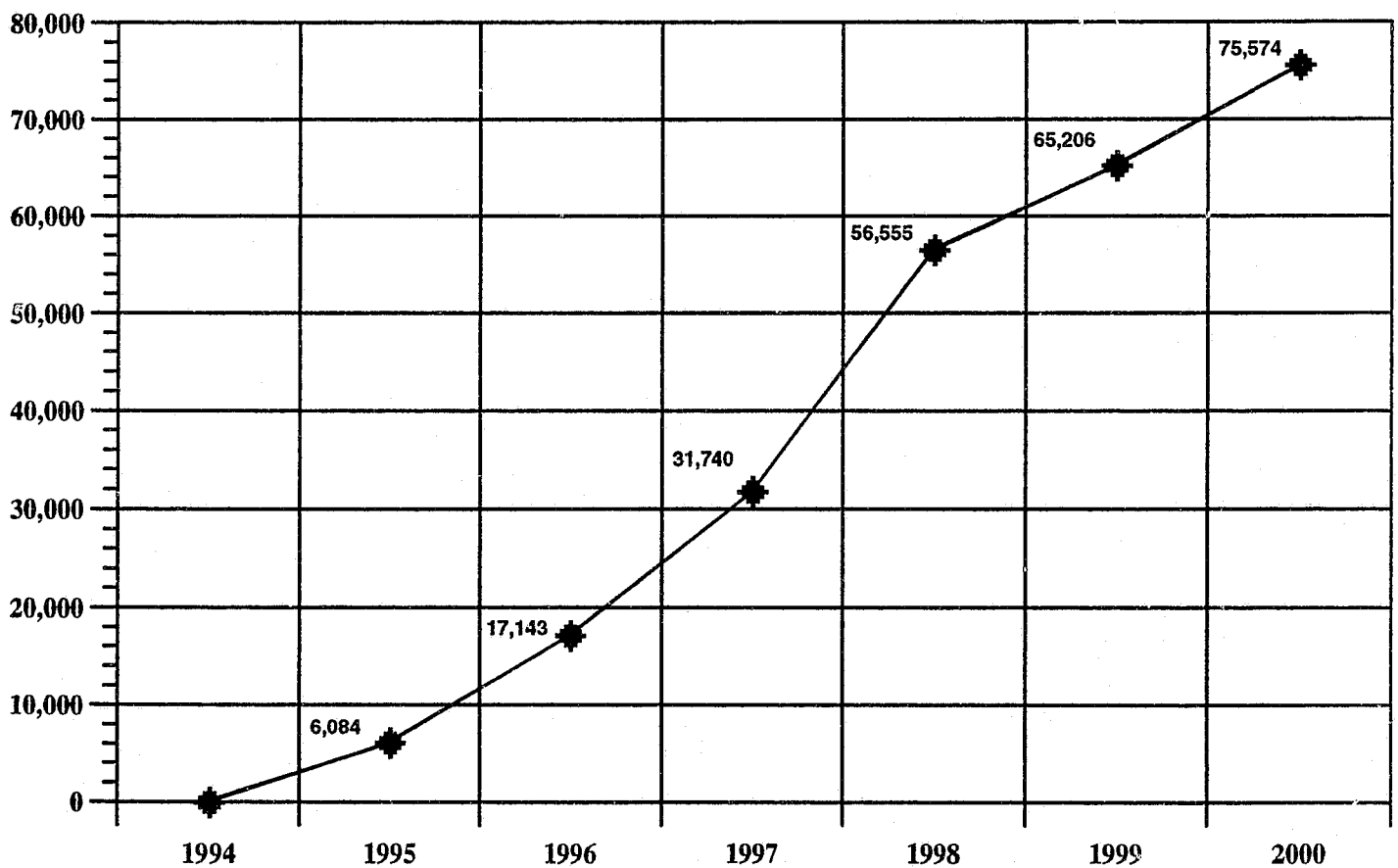
Projected Jail Backlog Under Baseline and S.B. 1067
Chart 1



Projected Population Incarcerated in S.B. 1067 State Jails

- Capacity in state jails will be provided for Jail Felons to serve an average of:
 - 6 months in 1995
 - 10 months in 1996
 - 13 months in 1997
 - 18 months in 1998 and 1999
 - 21 months in 2000

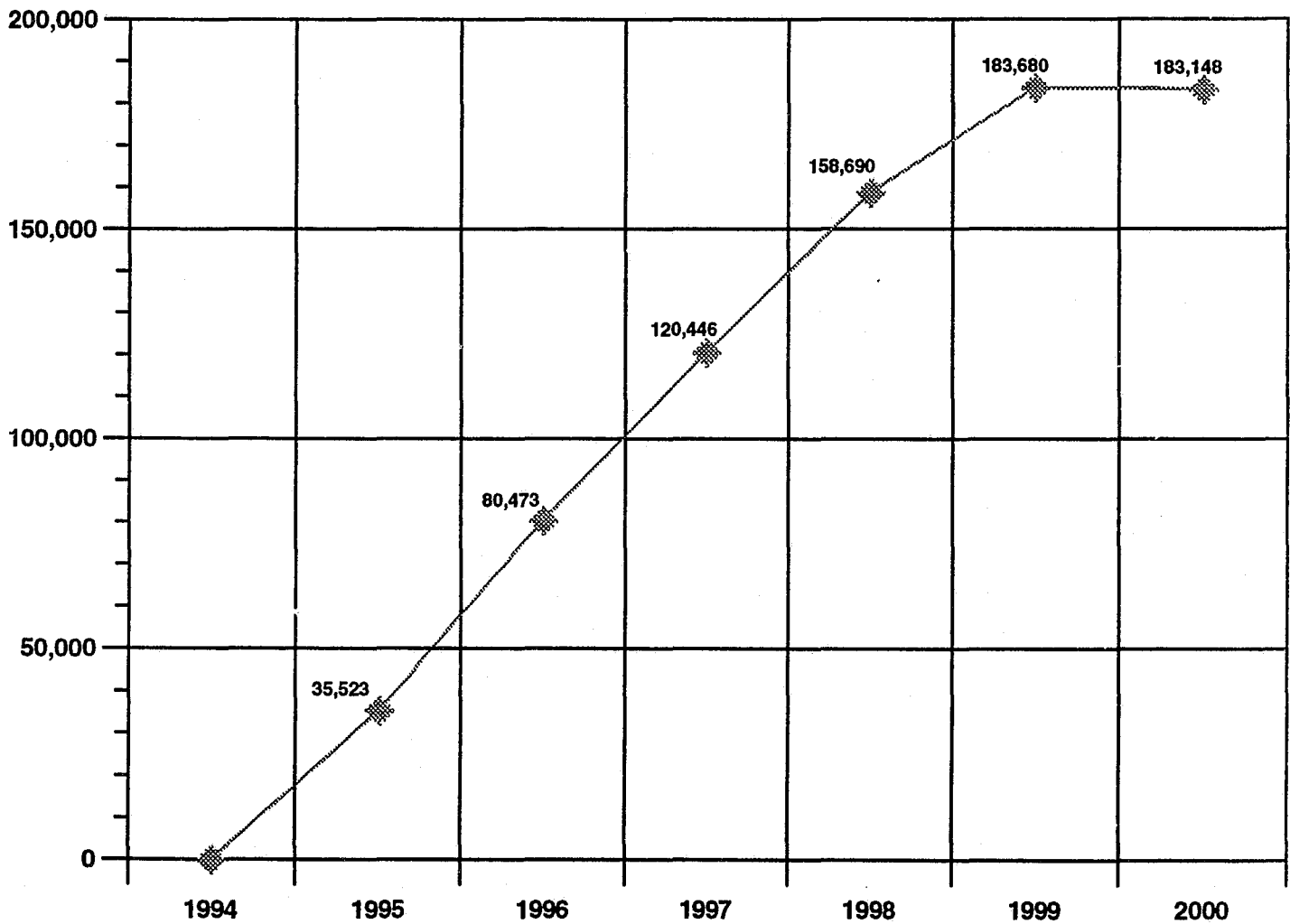
Projected Population Incarcerated in S.B. 1067 State Jails, FY 1994-2000
Chart 2



Jail Felony Population Under Community Supervision

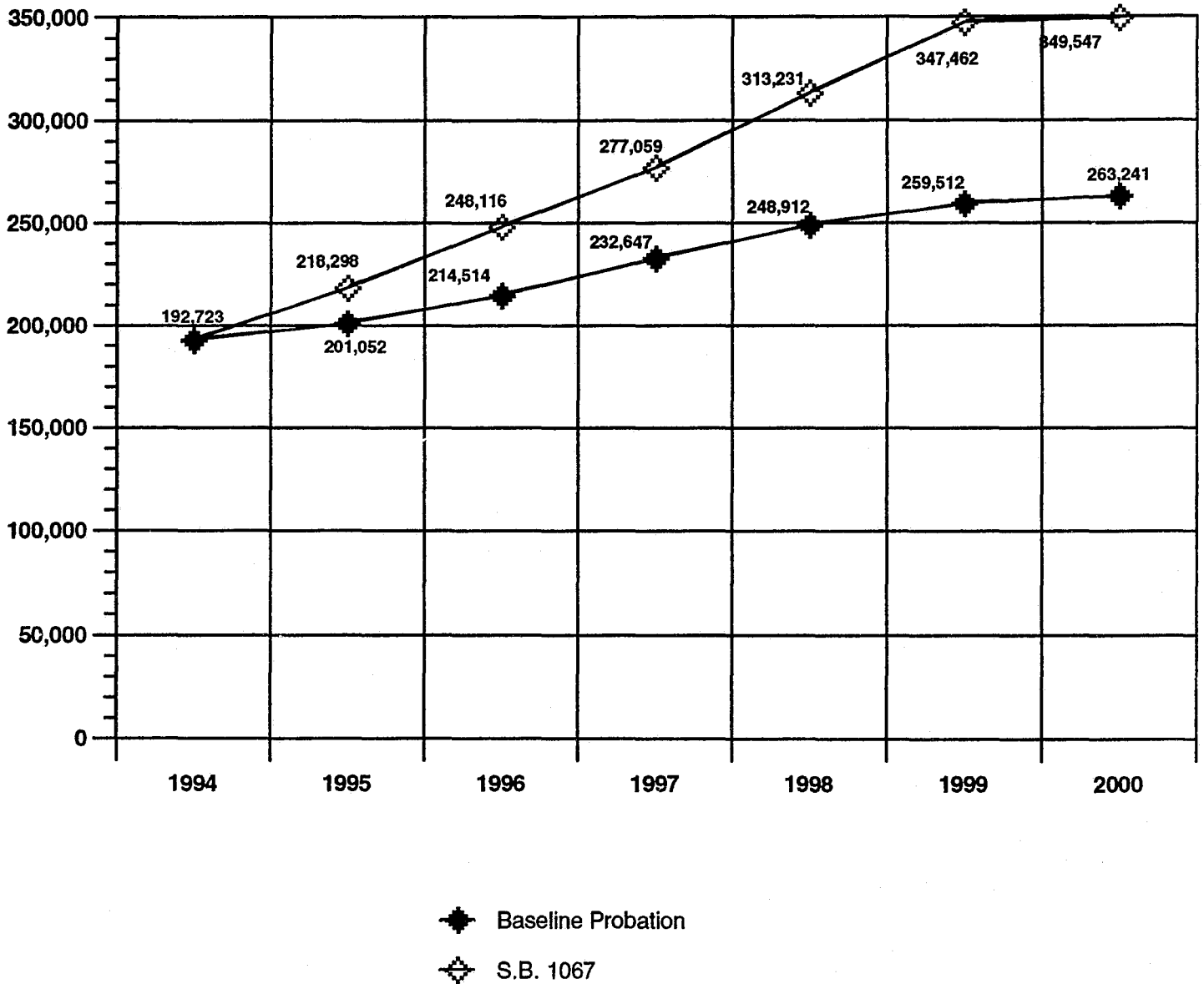
- Jail Felons will serve an average 4.3 years in community corrections supervision

Projected Jail Felony Population Under Community Supervision, FY 1994-2000
Chart 3



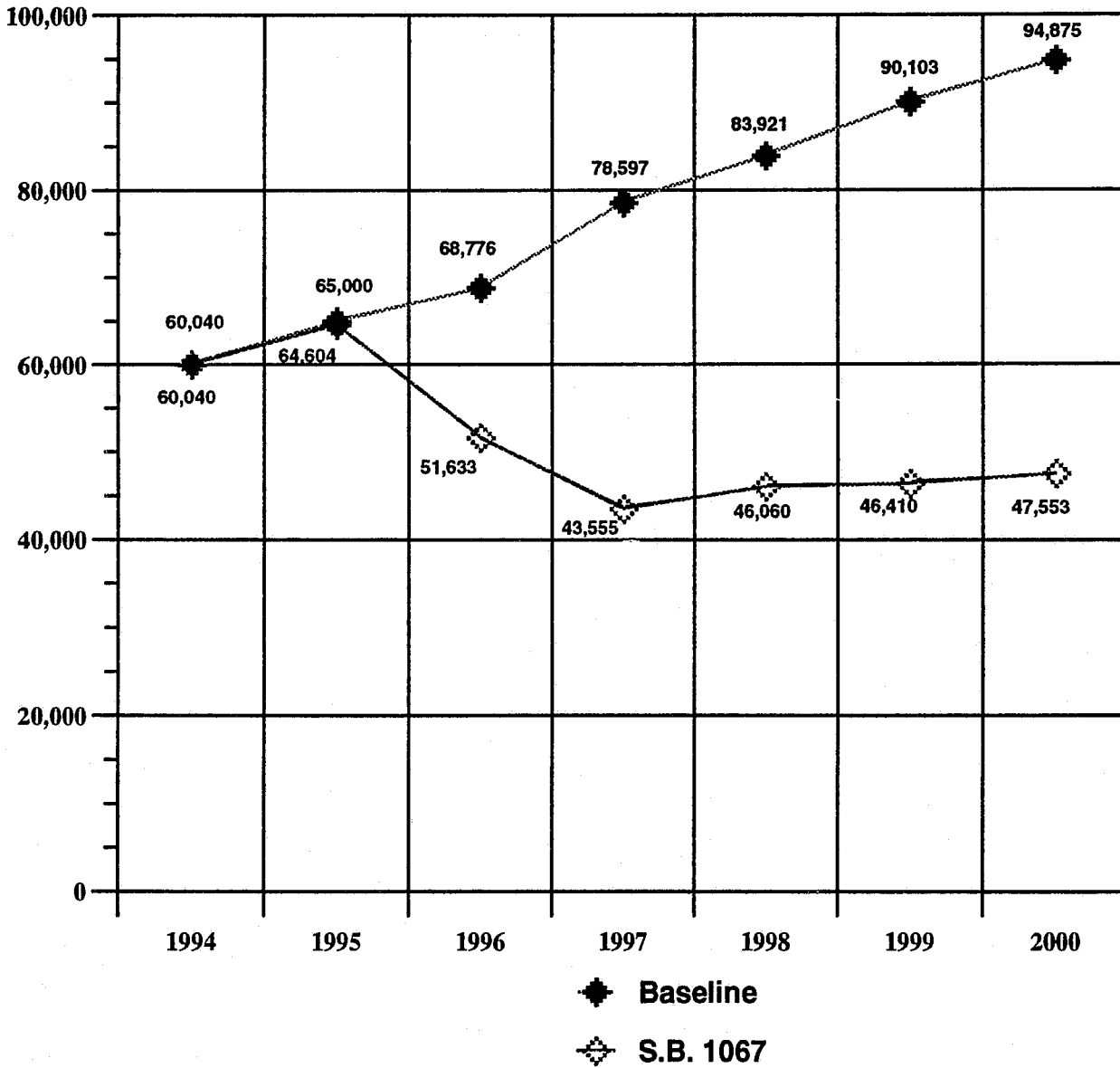
Projected Populations Under Probation

Projected Probation Populations Under Baseline and S.B. 1067, FY 1994-2000
Chart 4



Projected Populations Under Parole Supervision

Projected Populations Under Parole Supervision, Baseline and S.B.1067, FY 1994-2000
Chart 5



Summary Table: Baseline and S.B. 1067 FY 2000

		BASELINE	S.B. 1067
COMMUNITY SUPERVISION		263,241	349,547
	PROBATION	263,241	273,973
	S.B. 1067 STATE JAILS	0	75,574
SUBSTANCE ABUSE		12,000	12,000
PRISON		80,940	80,940
JAIL BACKLOG		46,228	2,305
STATE JAIL BACKLOG FACILITIES		12,549	12,549
PAROLE/MS		94,875	47,553
TOTAL		509,833	504,894
TOTAL INCARCERATED		151,717	183,368
	% INCARCERATED	29.7%	36.3%

Criminal Justice Policy Council Contributors:

**Bill Bryan
Mitch Gidseg**