

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 25, 2005**

**TO:** Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB2292** by Cook, Robby (Relating to the appearance of certain misdemeanor offenders before a magistrate.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would authorize a judge to include as a condition of continuing or modifying community supervision that a defendant submit to confinement in a county jail, not to exceed 360 days. If the defendant had served time in a county jail as an original condition of community supervision, the time previously served when added to the time ordered as a continuation or modification of supervision could not exceed 360 days. The proposed change in statute, which could result in fewer revocations of community supervision, is not anticipated to have a significant impact on the prison population

The bill would also allow a judge the option to place on community supervision a defendant convicted of certain state jail felonies if the person has previously been placed on deferred adjudication for a felony. Under current statute, a judge has that option if the person has been previously convicted of a felony but statute does not address if the person was placed on deferred adjudication. The proposed change in statute is not expected to have a significant impact on the state jail population.

**Local Government Impact**

If a defendant whose community supervision would have otherwise been revoked were required to submit to confinement in a county jail as a condition of continuing or modifying community supervision, the county would incur the cost of confinement. According to the Commission on Jail Standards, the average cost per person per day for confinement in a county jail is \$36. The annual cost would vary by county and would depend on the number of persons ordered to confinement and the length of time imposed. For example, if one defendant were required to serve the maximum 360 days in county jail, the cost would be approximately \$12,960 (360 days X \$36).

**Source Agencies:**

**LBB Staff:** JOB, KJG, DLBa