

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 25, 2005

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

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

IN RE: HB2906 by Haggerty (Relating to surety bonds for the electronic monitoring of criminal defendants.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Article 17, Code of Criminal Procedure, to require a magistrate, when imposing home curfew and electronic monitoring on a defendant as a condition of release, to require the defendant to give a surety bond.

The bill would amend Article 42, Code of Criminal Procedure, to authorize a sheriff to permit a defendant sentenced to jail confinement to submit to electronic monitoring for a period of release from confinement in the jail, in order to manage the jail population. A defendant released by the sheriff and placed on electronic monitoring would be required to give a surety bond to ensure the faithful performance of the conditions of release.

The bill would take effect September 1, 2005.

Local Government Impact

It is anticipated that the requirement for a defendant released by a magistrate to post a surety bond for being placed on home curfew and electronic monitoring would not have a significant fiscal impact.

The fiscal impact of allowing a sheriff to release a defendant sentenced to confinement in a county jail would vary, depending on the number of persons a sheriff would release on electronic monitoring and for what period of time. A sheriff's office that would choose to implement the provisions of the bill would incur initial costs of purchasing electronic monitoring equipment, followed by per day per person costs of monitoring. Based on the average cost (state and local combined) for electronic monitoring supervision of persons on community supervision, it is anticipated that the monitoring costs would be approximately \$5.50 per person per day. According to the Commission on Jail Standards, the average cost per day per person confined in a county jail is \$36.

Source Agencies:

LBB Staff: JOB, KJG, DLBa