

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 28, 2005

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

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

IN RE: SB1675 by Barrientos (Relating to the length of confinement in county jail as a condition of community supervision that may be imposed on certain defendants.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to allow a period of confinement in a county jail as a condition of community supervision to exceed 30 days if, in addition to the period of confinement, the judge orders the defendant to participate in a substance abuse treatment, mental health treatment, educational, or vocational program to be provided in the jail during the period of confinement. Under that circumstance, the period of confinement could not exceed 60 days for a Class B misdemeanor or 90 days for a Class A misdemeanor.

The bill would take effect September 1, 2005 and would apply only to a defendant convicted of or placed on community supervision for an offense committed on or after that date.

Current statute sets the maximum number of days of confinement in a county jail at 30 days for any misdemeanor case. The proposed statute would set the maximum number of days of confinement at 60 days for a Class B misdemeanor and 90 days for a Class A misdemeanor.

Local Government Impact

If a judge were to impose the added conditions of community supervision as outlined in the bill, the county jails could experience an increase in costs as a result of an increase in the number of days a person may be confined. According to the Commission on Jail Standards, the average cost per person per day for confinement in a county jail is \$36. The cost would vary by county and would depend on the number of defendants required to submit to an extended period of confinement and participation in a program as a condition of community supervision and the number of days imposed. The county's cost for the maximum of 60 days for one defendant would be \$2,160, and the county's cost for the maximum 90 days for one defendant would be \$3,240, as opposed to the current \$1,080 for 30 days.

It is assumed that a judge would not order a defendant to participate in one of the stipulated programs if the county jail does not already operate or contract for the operation of the program; otherwise, a county jail would incur costs associated with establishing and operating a program as described.

Source Agencies:

LBB Staff: JOB, KJG, DLBa