

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 23, 2005

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

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

IN RE: SJR17 by Staples (Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would require that a proposed constitutional amendment be placed on the ballot at an election to be held November 8, 2005 to authorize a district judge to deny bail to a felony criminal defendant who violates a condition of the defendant's release pending trial.

Local Government Impact

If the amendment were to be adopted by the voters, and if there were to be an increase in the number of persons denied bail as a result of enactment of the amendment, there would be an increase in the number of persons held in a county jail pending trial. According to the Texas Commission on Jail Standards, the statewide average incarceration rate is \$36 per day per inmate. The cost for incarcerating persons denied bail pending trial would vary, depending on the number of days held, the number of persons denied bail, and the individual incarceration rate of each county jail.

Source Agencies:

LBB Staff: JOB, KJG, DLBa