

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 1, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

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

IN RE: HB905 by Zedler (Relating to verifying the immigration status of certain defendants confined in correctional facilities.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure to require a county sheriff or other officer in charge of a correctional facility in which a defendant is confined awaiting trial for a felony or an intoxication offense to immediately, on receipt of the defendant, make a reasonable effort to determine the defendant's nationality. If there is reason to believe that the person is a foreign national, and the defendant's immigration status cannot be verified from documents in the defendant's possession, the sheriff or officer would be required to contact the Law Enforcement Support Center of the United States Department of Homeland Security or other designated office or agency to verify the defendant's immigration status. If the sheriff or officer were to determine that the defendant is not of lawful status, the sheriff or officer would be required to contact the Department of Homeland Security.

The bill would apply only to a defendant admitted to a facility on or after the effective date of the bill, which would be September 1, 2007.

According to the Commission on Jail Standards (commission), the cost to the state would be minimal.

Local Government Impact

According to the commission, the cost to the counties would be minimal because most, if not all, counties already run Texas Crime Information Center checks on arrestees, and the Law Enforcement Support Center of Homeland Security disseminates immigration status information through the International Justice and Public Safety Information Sharing Network.

Source Agencies: 409 Commission on Jail Standards

LBB Staff: JOB, KJG, VDS, DB