

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 11, 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.), **As Introduced**

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

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, the sheriff or officer would be required to make a reasonable effort to verify if the person is of legal status and, if unable to do so, 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