

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

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

**March 3, 2007**

**TO:** Honorable Jerry Madden, Chair, House Committee on Corrections

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

**IN RE: HB1061** by King, Phil (Relating to confinement in county jail of a defendant awaiting transfer to a community corrections facility or a substance abuse treatment facility.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to limit to 180 days the amount of time a defendant may be confined in a county jail awaiting transfer to a community corrections facility. In addition, time spent confined in a county jail awaiting transfer to a community corrections facility or a substance abuse treatment facility would apply toward completion of the defendant's sentence.

The proposed changes to statute would apply only to a defendant convicted or placed on community supervision for an offense committed on or after the effective date, which would be September 1, 2007.

**Local Government Impact**

Under current statute, no limit is placed specifically on the amount of time a defendant may be held in a county jail awaiting transfer to a community corrections facility (CCF), although there is a 30-day limit to how long a defendant placed on community supervision for a misdemeanor may be confined as a condition of their supervision. If defendants awaiting transfer to a CCF are currently being held longer than the proposed 180 days, a county jail would experience a savings by reducing the amount of time a misdemeanor offender on community supervision is confined. If defendants awaiting transfer to a CCF are currently being held no more than 30 days, a county jail would experience an increase in the use of the jail beds for confining a person up to 180 days, and therefore would incur an increase in related costs. Based on estimates provided by a sampling of county jails, the cost per day per person in county jail can range between \$25 and \$61.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, DB