

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 27, 2007

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

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

IN RE: HB1610 by Madden (Relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure to allow a judge to release on community supervision low-level drug offenders whose punishment for a previous felony conviction was reduced to the confinement permissible for a Class A Misdemeanor.

This bill will take effect September 1, 2007.

Local Government Impact

Dallas County reports that the ability to reduce the number of individuals in the county jail and place them on probation could have a positive financial impact of approximately \$200,000. On the other hand, Harris County reports that the provisions of the bill could increase the number of people in their jail because they would be held there while waiting for available space in residential treatment programs or as a result of probation revocations, intermediate sanctions, or “jail therapy.” Assuming a forty day stay per person at a cost of \$60 per day, one person diverted from state jail to county jail would cost Harris County \$124,800 per year.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG, LM, KJG