

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

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

**March 17, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

**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 Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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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