

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 9, 2007

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

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

IN RE: SB1763 by Gallegos (Relating to the ratio of correctional officers to prisoners in a county jail.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add Section 351.005 to the Local Government Code to require there to be at least one correctional officer (CO) stationed on each floor of a county jail on which 10 or more prisoners are housed, at least one CO on each floor of the county jail for every 48 prisoners housed on that floor, and sufficient supervisors and other essential personnel present at the jail to perform the functions required by the Commission on Jail Standards. The county commissioners court would be required to provide the sheriff with resources necessary to ensure these staffing requirements.

The bill would take effect September 1, 2007.

According to the Commission on Jail Standards, the bill's requirements currently exist in the agency's administrative rules. The agency already verifies compliance with those rules and counties are required to adhere to the administrative rules as written in order to comply with Minimum Jail Standards. Therefore, according to the Commission, placing the administrative rule into statute would render no additional cost to the agency or the state.

Local Government Impact

Although the Commission on Jail Standards reports that the statute exists in rules imposed on county jails and would therefore have no fiscal impact on county jails, Dallas County reports that the two Dallas County jails receive a staffing variance, staffing on a total facility population count rather than staffing by floor. If the proposed change in statute were to result in the elimination of the variance, the county would have to add 42 correctional officer positions to its staffing at a cost of approximately \$2.0 million, which would have a significant negative fiscal impact.

Fort Bend County also reports receiving a staffing waiver. If the Fort Bend County jail were to lose its waiver, the county would have to hire an additional 15 correctional officers at a total cost of \$691,500 including salaries, uniforms, equipment, furniture, and computers. The county also estimates increased operational costs of \$4.2 million, related to the number of housing units and jail towers to accommodate the change in ratio of officer to number of inmates. The negative fiscal impact would be considered significant.

Those counties that have not received a waiver on staffing levels would have no fiscal impact. For counties that have received a waiver, the costs of implementing provisions of the bill could be significant, depending on the number of additional staff that would be needed to meet the ratios.

Source Agencies: 409 Commission on Jail Standards

LBB Staff: JOB, ES, DB