

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB4485 by Howard, Charlie (Relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require the sheriff or any 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 receiving the defendant, make a reasonable effort to determine the defendant's citizenship status. Steps are included that would be required if the sheriff or other officer has reason to believe the defendant is a foreign national and procedures to follow if the immigration status cannot be determined. The Commission on Jail Standards would be required to prepare and issue guidelines and procedures to ensure compliance.

If a sheriff or other officer notifies a judge or magistrate regarding a defendant's immigration status that indicates a possible flight risk, there would be a rebuttable presumption at any proceeding before the judge or magistrate concerning bail.

Local Government Impact

According to information provided by Harris County and by the Travis County Sheriff's Office, the provisions of the bill related to bail could result in fewer defendant's being released on bail and could therefore increase jail costs. In Harris County, the cost per person per day to confine a person in the jail is \$75, and the cost in Travis County is \$40 per person per day. Regarding other requirements within the bill, the Fort Bend County Sheriff's Office reports that procedures required for checking immigration status are already performed by that office, therefore the office anticipates little or no additional costs.

It is anticipated that the fiscal impact would vary by county, and could be significant depending on the number of applicable defendants.

Source Agencies: 409 Commission on Jail Standards

LBB Staff: JOB, ESi, DB