

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 19, 2009

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

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

IN RE: SB2340 by Averitt (Relating to the electronic monitoring of certain defendants as an alternative to confinement.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a court to require a defendant to participate in an electronic monitoring program rather than being confined in the county jail if the program is operated by either a community supervision and corrections department (CSCD) that serves the county in which the court is located and operates a program approved by the Community Justice Assistance Division of the Texas Department of Criminal Justice (TDCJ-CJAD), by a commissioners court, or by a private vendor under contract with the commissioners court. Under current statute, a court may require electronic monitoring of a defendant only if the county is served by a CSCD that has a program approved by TDCJ-CJAD.

The bill would authorize a county commissioners court to operate an electronic monitoring program or to contract with a private vendor to operate a program. The requirements of operation and oversight of the program would be established by provisions of the bill. A commissioners court would be authorized to use money that a defendant is ordered to pay a county for costs of electronic monitoring to pay for the services of a private vendor to operate an electronic monitoring program. A commissioners court would be authorized to subsidize all or part of the costs of a defendant's participation in the program if the defendant is indigent.

Local Government Impact

It is assumed that a county commissioners court would establish and operate or contract with a vendor to operate an electronic monitoring program if sufficient resources or collections from defendants are available to meet the costs and if there is not a CSCD that has an electronic monitoring program in the county.

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, DB