

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 28, 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 electronic monitoring and other alternative means for certain defendants to discharge a fine or costs or satisfy a term of confinement in county jail.),
Committee Report 1st House, Substituted

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, or a house arrest program rather than be confined in a county jail if the program is operated by a community supervision and corrections department (CSCD) that serves the county in which the court is located, and the program is approved by the Community Justice Assistance Division of the Texas Department of Criminal Justice (TDCJ-CJAD), a commissioners court, or 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.

The bill would require certain defendants that are unable to pay a fine and court costs, and are mentally and physically capable, or are confined in jail after a felony conviction, to perform certain types of manual labor in a workhouse or a county farm established by a commissioners court under the supervision of a sheriff. A defendant that performs manual labor would have one day deducted from each sentence being served.

The bill would allow a defendant not involved in an offense involving violence that is awaiting transfer to TDCJ to volunteer for a work program operated by a sheriff. A defendant that performs manual labor would have one day deducted from each sentence imposed in relation to the offense.

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.

The bill would repeal Section 6, Article 42.032, Code of Criminal Procedure relating to good conduct.

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:

LBB Staff: JOB, ESi, SD, TP