

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

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

IN RE: SB2584 by Patrick, Dan (Relating to the reporting of certain felons incarcerated in Texas jails to federal authorities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a sheriff or any other officer in charge of a correctional facility as defined by Section 1.07 of the Penal Code to immediately, upon receiving a defendant convicted of a felony under Article 2.245, Code of Criminal Procedure, to make a reasonable effort to determine the defendant's citizenship status from documents in the defendant's possession. If the sheriff or officer believes the defendant is a foreign national, they would be required to make a reasonable effort to verify from documents in the defendant's possession whether the defendant is in the country lawfully.

If verification of status cannot be verified based on documents in the defendant's possession, the sheriff or other officer would be required, within 48 hours after the defendant is received at the correctional facility, to contact the Law Enforcement Support Center of the United States Department of Homeland Security or other agency designated by the U.S. Department of Homeland Security to verify the status. The sheriff or other officer would also be required to notify Homeland Security if they were able to determine the defendant's status was not lawful.

The Commission on Jail Standards and the Texas Department of Criminal Justice would be required to prepare and issue guidelines and procedures to ensure compliance with the proposed additional subsections of Article 2.245 by correctional facilities under the agencies' respective jurisdictions.

Based on analysis by the agencies, it is assumed that any costs associated with implementation could be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 409 Commission on Jail Standards, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, DB, KJG