

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 4, 2011**

**TO:** Honorable Byron Cook, Chair, House Committee on State Affairs

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

**IN RE: HB532** by Lewis (Relating to certain offenses and criminal procedures involving persons who are not citizens of the United States; providing a penalty.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to require a law enforcement agency to verify a person's immigration status by a peace officer or other law enforcement officer that is authorized under federal law to verify immigration status after being arrested for a felony, and before being released on bond, and to notify the United States (U.S.) Immigration and Customs Enforcement (ICE) if the person is not a United States citizen.

The bill would authorize a peace officer to arrest a person, without warrant, if the peace officer believes there is probable cause that the person is unlawfully present in the United States, and to notify the U.S. ICE of an arrest. The law enforcement agency would be authorized to detain the person for a maximum of 48 hours, unless the person is under arrest for another offense.

The bill would create second degree felony offenses if a person submits a voter registration application or votes in an election and is not a United States citizen.

The bill would take effect September 1, 2011.

**Local Government Impact**

According to the Texas Association of Counties (TAC), Williamson and Nacogdoches counties reported there would be some costs associated with the provisions, but the costs are not anticipated to be significant and would vary depending on the number of persons arrested, detained in jail and denied bond; and how quickly the U.S. ICE worked with a county to expedite the immigration status of the person. Nacogdoches County also mentioned the costs for annual incarceration rates are not expected to increase above \$10,000 to \$12,000, and that offenders are only denied bond pending trial.

The City of Dallas reported estimated costs totaling \$164,000 to set up a fingerprint system, but the amounts are not anticipated to be significant.

The City of Austin reported there would be no fiscal impact to implement the provisions of the bill.

Bexar County reported estimated costs totaling \$470,635 which includes salaries and benefits for one additional Sheriff Deputy (\$89,379); and printing and mailing voter registration cards (\$381,256). Bexar County indicated the costs would have a moderate fiscal impact on the affected department's current fiscal year budget of \$101.9 million.

The City of Houston reported estimated costs totaling \$8.93 million which includes salaries and benefits to hire 10 additional staff (\$797,860); and additional training during the next two years (\$8.13 million). The City of Houston's affected department's current fiscal year budget is \$665.3 million.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, TP, MM, ESi, SD