

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 28, 2011

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

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

IN RE: HB875 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 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 in which a defendant is confined awaiting trial for a felony or an intoxication offense to immediately make a reasonable effort to determine the defendant's citizenship status. The bill includes procedures that would be required if the sheriff or other officer has reason to believe the defendant is a foreign national, and immigration status cannot be determined.

The Texas Commission on Jail Standards (TCJS) would be required to prepare and issue guidelines and procedures to ensure compliance. According to TCJS, the administrative requirements could be accomplished with existing staff.

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 the Texas Association of Counties (TAC), the majority of counties, especially smaller counties, could experience a significant fiscal impact to implement the provisions of the bill; however, it would vary by county depending on the procedures a sheriff's office currently has in place, and the number of applicable defendants that could increase the amount of jail time.

According to TCJS, the average cost for an inmate in a county jail is \$45 per day.

Source Agencies: 409 Commission on Jail Standards

LBB Staff: JOB, KJG, TP, AI