

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

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

**May 24, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB1173** by Riddle (Relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would amend the Code of Criminal Procedure to increase the number of hours from 24 hours to 36 hours after a person is arrested for a misdemeanor without a warrant and who is jailed in a county with a population of three million before the person can be released on bond. The bill would authorize a magistrate to postpone the release under certain circumstances as defined by the provisions of the bill.

The bill would add Article 17.0331 to require a county with a population of three million or more to conduct an impact study to determine the effect of Article 17.033 (a-1) on the county's ability to control and process the county's misdemeanor caseload, including specific criteria, and to file the study not later than October 15, 2012. This article would expire September 1, 2013.

**Local Government Impact**

Harris County reported that the county has difficulty meeting the 24-hour probable cause hearing deadline in some cases, generally due to the computers of law enforcement agencies being down or a large volume of traffic through the county systems which slows the necessary preparation of paperwork. Therefore, the bill is anticipated to save the county some time and effort for the extension to 36 hours. In addition, the Harris County District Clerk, District Attorney, and other impacted offices would likely experience a cost savings by a reduced number of extension requests that would otherwise have to be prepared and recorded.

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

**Source Agencies:** 409 Commission on Jail Standards

**LBB Staff:** JOB, ESi, TP