

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 6, 2011

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

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

IN RE: HB2735 by Madden (Relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 508.254 of the Government Code to authorize a county magistrate in which a person is held in custody for a parole violation, ineligible release, or violation of a condition of mandatory supervision, to release the person on bond pending the hearing if certain conditions are met. Included in those conditions that must be met, is the requirement that the Board of Pardons and Paroles Division (BPP) of the Texas Department of Criminal Justice (TDCJ) includes a notice on the warrant for the person's arrest that the person is eligible for release on bond.

The provisions of Chapters 17 and 22, Code of Criminal Procedure, would apply in the same manner to a person released on bond pending appearance before a magistrate, except the release is conditioned on the person's appearance at a hearing and the forfeiture of the bond. The bill would include the definition of releasee and would specify that the provisions of the bill that refer to a defendant also apply to a releasee, except that a releasee would be required to appear before the parole panel or a designated agent of BPP. The director of the Board of Pardons and Paroles Division of TDCJ would be authorized to initiate bond proceedings if the forfeiture of a bail bond would secure the appearance of a releasee.

According to TDCJ and BPP, the fiscal impact is not anticipated to be significant.

The bill would take effect September 1, 2011.

Local Government Impact

A county could experience a savings related to county jail expenses as a result of the ability to release a person who would otherwise be required to be held until a hearing. The savings would vary depending on the number of persons arrested and eligible for release under the provisions of the bill. According to the Texas Commission on Jail Standards, the average cost for an inmate in a county jail is \$45 per day.

The Harris County Sheriff's Office (HCSO) reported there would be a savings in fiscal year (FY) 2012 of an estimated \$2,759,400; \$5,518,800 in FY 2013; and the same amounts in FY 2014 to 2016. The current FY budget for the affected department is \$392,000,000. HCSO also stated that the county jail houses approximately 360 inmates each day that are awaiting a hearing. While the inmate jail cost in Harris County is \$42 per day, additional one-time costs for booking and medical screenings result in a more accurate cost of about \$70 per day. This analysis is based on the assumption that 60 percent of the applicable inmates could post bond.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, ESi, TP, TB, AI