

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 4, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB3077 by Gallego (Relating to a verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a sheriff to verify an affidavit from a surety stating the accused is in custody of another governmental entity before discharging the surety's liability on a bail bond. The bill would require a sheriff to place a detainer on the accused and notify both appropriate officials in the jurisdiction in which the accused is incarcerated and the court or magistrate for which prosecution is pending. The court or magistrate would then be required to issue a *capias* for the arrest of the accused if deemed necessary.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2011.

Local Government Impact

The fiscal impact to a county would vary depending on the number of bond forfeitures processed and currently established procedures.

The Travis County Sheriff's Office reported there would be additional costs in fiscal year (FY) 2012 totaling \$87,351 that would include salaries and benefits for two new staff (\$82,802); and capital outlay expenses (\$4,549). Travis County also noted that while the costs are not significant, the provisions of the bill would increase the workload in the records section to research affidavits submitted by bail bond companies. The county would also be responsible for researching their local databases, as well as the state databases in locating individuals and if an accused individual is in custody in another county on a local charge, the county would then need to contact the court to file a *capias* to ensure that the county holding the accused receives the information and adds it to the accused charges.

The Harris County District Attorney's Office estimated 100 to 120 bond forfeitures per month. According to the Harris County Sheriff's Office, there would be additional operational costs for FY 2012 totaling \$90,000. In addition, shifting clerical, administrative and legal responsibility from bail bonding agents to the Harris County Sheriff's Office would require an additional employee and hours from a staff that has been diminished by 10 percent due to a countywide hiring freeze.

The Johnson County Sheriff's Office reported there would be no fiscal impact to the county or the county and district attorney's offices.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ESi, TP, TB