

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 20, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

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

IN RE: HB3305 by Marquez (relating to the discharge of a prisoner from a county jail.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Article 43.13 of the Code of Criminal Procedure to require a sheriff or other county jail administrator to release a defendant from jail between the hours of 6:00 a. m. and 7:00 p. m. unless there are exigent circumstances. The bill would exempt defendants who are being released to inpatient mental health facilities, state supported living centers for mental health or mental retardation, other states, the federal government, and the Department of Criminal Justice from the prohibition or defendants who request or agree to be released at another time. The bill also would authorize the sheriff or other county jail administrator to release the defendant at any regular time during the preceding day on which the defendant discharges the defendant's sentence.

The bill would amend the Government Code to grant the Texas Commission on Jail Standards the authority to monitor compliance with the provisions of Article 43.13.

The Texas Commission on Jail Standards anticipates no significant fiscal impact to the State.

Local Government Impact

It is anticipated that local governments could be impacted by the bill's passage. Additional staff for supervision and additional meals could be required for offenders who must remain in jail overnight. According to the Commission on Jail Standards, more than 30 county jails currently operate at 90 percent of capacity or greater. The bill could result in capacity pressure that might require a county to contract with other counties to house offenders to ensure adequate capacity. Allowing a sheriff or county jail administrator to release a defendant a day early or credit a defendant with 18 hours of time served could mitigate the issue.

Source Agencies: 409 Commission on Jail Standards

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