

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

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

**April 13, 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 time of day during which prisoners may be discharged or released from county jails.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would add Government Code, Section 511.0098, to require the Commission on Jail Standards to adopt rules that prohibit a county jail from releasing an offender from jail between the hours of 7:00 p. m. and 7:00 a. m. unless there are exigent circumstances. The bill exempts offenders 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. 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. The local impact cannot be determined.

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

**LBB Staff:** JOB, KKR, AI