

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

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

**April 4, 2011**

**TO:** Honorable Byron Cook, Chair, House Committee on State Affairs

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

**IN RE: HJR86** by Murphy (Proposing a constitutional amendment denying bail to certain persons who are unlawfully present in the United States and are taken into custody for committing a felony.), **As Introduced**

**No significant fiscal implication to the State is anticipated,** other than the cost of publication.

The cost to the state for publication of the resolution is \$105,495.

The resolution proposes a constitutional amendment to Article I of the Texas Constitution to provide that a person taken into custody for committing a felony shall be denied bail pending trial if it is determined that the person is not a citizen of the United States and is not lawfully present in the United States.

The proposed amendment would be submitted to voters at an election to be held November 8, 2011.

**Local Government Impact**

There could be a significant fiscal impact to a local governmental entity associated with longer jail time, but the amounts would vary depending on the number of applicable offenders. According to the Texas Commission on Jail Standards, the average cost for an inmate in a county jail is \$45 per day.

There would be a fiscal impact to local governments associated with an election; however, those costs would vary by locality and are not anticipated to be significant. Based on costs reported to the Secretary of State in 2010 by a sampling of counties, municipalities, and special districts, the average cost incurred by a local governmental entity for an election is \$1.98 per registered voter.

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

**LBB Staff:** JOB, KJG, TP, TB