

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 26, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB368** by Whitmire (Relating to the release by a sheriff of certain defendants to an electronic monitoring or house arrest program. ), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would allow a sheriff to require a defendant to serve all or part of his or her sentence in an electronic monitoring program or under house arrest. The defendant would be responsible for paying the county for reasonable costs incurred because of the defendant's participation in the program.

A sheriff would also be allowed to revoke a defendant's participation in the program at a later date if the electronic device fails, if the defendant violates a condition imposed by the sheriff or a court, or if the defendant fails to pay for participating in the program.

The bill would also allow a sheriff or sheriff's designee to fund the electronic monitoring or house arrest program established by this chapter with commissary proceeds as described by Section 351.0415, Local Government Code.

The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2013.

### **Local Government Impact**

Harris County Sheriff's Office reported one-time costs of \$75,000 for the first year if they chose to implement the program described by the bill. After accounting for these costs, net savings were estimated at at least \$4.6 million for 2014, \$4.66 million for 2015, \$5 million for 2016, \$5.1 million for 2017, and \$5.2 million for 2018.

These calculations are based on an average of 6,000 low-risk inmates per year, spending on average 27 days in jail each, at a cost of \$40 per bed per day. Year to year savings increases assume an increase in cost of bed per day over time.

These savings would represent a moderate fiscal benefit to Harris County.

**Source Agencies:**

**LBB Staff:** UP, ESi, SD, KKR