

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 19, 2017**

**TO:** Honorable James White, Chair, House Committee on Corrections

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

**IN RE: HB1550** by Frank (relating to the confinement in a county jail of a person pending a transfer to the Texas Department of Criminal Justice and to the reimbursement of certain costs of confinement.), **Committee Report 1st House, Substituted**

There would be no cost to implement the legislation in fiscal year 2018. Starting in fiscal year 2019, there would be an undetermined, yet potentially significant, cost to the state if the provisions of the bill were implemented. The costs to the Department of Criminal Justice to implement a plan to transport and house offenders in TDCJ capacity within five days of completion of required paperwork, and the extent to which counties would be reimbursed for the cost of confinement if TDCJ was unable to transfer offenders to TDCJ custody within five days, cannot be determined because the number of offenders that would be transferred is unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend Government Code, Chapter 499 and Chapter 508, to require the Texas Department of Criminal Justice (TDCJ) to reimburse counties for certain costs for confining a person pending a transfer to TDCJ. Under the provisions of the bill, a county would be entitled to reimbursement from TDCJ for the cost of confining certain inmates at a rate of \$45 for each day an offender remains confined beginning the sixth day following the date on which all processing required for transfer has been completed (paper-ready status). The Comptroller would be required to reimburse the county in the amount requested from funds appropriated to TDCJ. The bill would require TDCJ to implement a plan to take custody of and transport from a county jail an offender or person described by Chapters 499 and 508 no later than the fifth day of paper-ready status.

Based on data provided by TDCJ, there are 40,097 inmates confined in county jail while under an order of commitment to TDCJ (Chapter 499), for an average confinement period of 17.4 days. TDCJ reports an average of 2,100 offenders per day under parole and mandatory supervision technical violations housed in county jails (Chapter 508), for an average confinement period of 32 days. There would be an indeterminate cost to implement a transportation plan, as described in the bill, for paying overtime pay, hiring additional staff, and purchasing additional vehicles. Additionally, there may be an indeterminate increase to correctional populations. According to the Legislative Budget Board Uniform Cost Report, the fiscal year 2016 cost per offender per day was \$61.63, which includes administration and benefits.

If TDCJ does not take custody of an offender after the fifth day of paper-ready status, the provisions of the bill require the Comptroller to reimburse a county at a rate of \$45 per day per

offender. It is unknown to what extent TDCJ may be required to reimburse counties for the cost of confinement.

The bill would take effect September 1, 2017 and would apply to the reimbursement for the cost of confinement of certain inmates that occurs on or after September 1, 2019.

**Local Government Impact**

The bill would have a significant positive fiscal impact on counties as the result of reimbursement for certain costs for confining a person pending a transfer to TDCJ.

**Source Agencies:** 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** UP, KJo, AI, KVe, LCO, JGA