

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 14, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB828 by Rose (Relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.), **As Introduced**

The fiscal implications to the State cannot be determined due to a lack of case-specific data to determine if a particular defendant was confined or imprisoned for another offense after committing a misdemeanor offense punishable by fine only.

The bill would amend the Code of Criminal Procedure to require a court in a case involving a misdemeanor offense punishable by a fine only to give a defendant credit for time served in confinement or imprisonment for another offense if that confinement or imprisonment began after the defendant committed the misdemeanor offense. The credit would be at the rate provided by Article 45.048 of the Code of Criminal Procedure, which is currently \$100 for each day of confinement or imprisonment served. The credit would be in addition to any jail time credit awarded under Article 42.03 of the Code of Criminal Procedure. The provisions of the bill would apply to defendants that are sentenced on or after the effective date of the bill, regardless of the date of offense.

According to the Comptroller of Public Accounts and the Office of Court Administration (OCA), case specific data is not collected at the level necessary to determine if a particular defendant was confined or imprisoned for another offense after committing a misdemeanor offense punishable by fine only. According to the Comptroller, there is currently no reliable method to segregate revenue from costs imposed on defendants that spent time in confinement after the commission of a misdemeanor punishable by fine only and revenue from defendants that do not spend time in confinement. According to OCA, most individuals assessed fines and costs would not be subsequently confined; therefore, the exact fiscal impact cannot be determined.

The bill would take effect September 1, 2019.

Local Government Impact

Denton County, Midland County, and Montgomery County do not anticipate a fiscal impact on their respective counties.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: WP, LBO, MW, AF, GDz