

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 7, 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: HB1761** by Coleman (Relating to credit toward a defendant's sentence for time confined in jail or prison before sentencing.), **As Introduced**

**The probable fiscal impact of implementing the bill is indeterminate due to a lack of statewide data indicating whether a defendant served a sentence in a county jail for another case and, if so, the actual length of time served. These data are necessary to determine the fiscal implications of the bill's time credit provisions.**

The bill would amend the Code of Criminal Procedure as it relates to sentencing and time credit. Under the provisions of the bill, the convicting judge may, under certain circumstances, award additional time credit for previous confinement.

Allowing for time to be credited toward a sentence is expected to result in fewer demands upon the correctional resources of the counties and of the State due to shorter periods of time under community supervision or shorter periods of confinement in state correctional institutions after sentence length is adjusted for time credit received under the provisions of the bill. The bill may have a positive fiscal impact by decreasing the amount of time people remain under felony community supervision or incarcerated within state correctional institutions. Whether the bill would have a significant fiscal impact due to shorter periods of time on community supervision or shorter periods of confinement in state correctional institutions is indeterminate due to a lack of statewide data indicating whether a defendant served a sentence in a county jail for another case and, if so, the actual length of time served. Information on the actual amount of time an individual served in county jail is necessary to determine the amount of time which, under the provisions of the bill, would be credited toward a defendant's sentence. The Department of Public Safety and the Office of Court Administration indicate the modifications outlined in the bill's provisions will not result in a significant fiscal impact to agency operations.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 405  
   Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, LM, DGi, AF, SMi, DA