

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 24, 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: **HB1955** by Dutton (Relating to the eligibility of certain defendants for release on personal bond.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a magistrate to release on personal bond a defendant who is charged with a misdemeanor, unless the magistrate makes an affirmative finding of fact that extenuating circumstances justify not releasing the defendant on personal bond and files a statement of that finding.

According to the Office of Court Administration (OCA), no significant fiscal impact to the state court system is anticipated. Local governments bear the costs of pretrial detention.

Local Government Impact

According to OCA, as of February 1, 2019 there were 5,387 individuals held in Texas jails on misdemeanor offenses awaiting trial. The average cost per day for jail in Texas according to the Commission on Jail Standards is \$60.12. OCA estimates that 75 percent of pretrial inmates would be released under the provisions of this bill. Assuming a constant population of pretrial misdemeanants over the course of a year the total savings to counties from this bill would be \$88,658,437.

According to OCA, although magistrates may have to spend additional time preparing and filing written findings in cases, and counties may have to hire additional magistrates to deal with any increase to workload or work hours resulting under the bill, any increase will be offset by a reduction in pretrial detention costs.

El Paso County estimates a fiscal impact of \$1.1 million to the county due to additional staff required, building renovations, additional vehicles, and increased operational costs.

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

LBB Staff: WP, LBO, SD, GP, AF