

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 26, 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: **HB2020** by Kacal (relating to the release of defendants on bail.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2020, Committee Report 1st House, Substituted: a negative impact of (\$1,035,546) through the biennium ending August 31, 2021.

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

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$827,929)
2021	(\$207,617)
2022	(\$208,097)
2023	(\$208,507)
2024	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund	Change in Number of State Employees from FY 2019
	1	
2020	(\$827,929)	2.0
2021	(\$207,617)	2.0
2022	(\$208,097)	2.0
2023	(\$208,507)	2.0
2024	\$0	0.0

Fiscal Analysis

The bill would establish the Bail Advisory Commission to develop recommendations for the Texas Judicial Council (TJC) regarding a standardized pretrial risk assessment tool, recommend best

practices for pretrial release and personal bond offices, as well as collect and analyze research and information related to pretrial release practices and distribute that information to courts and personal bond offices. The Office of Court Administration (OCA) would provide administrative support for the commission.

The bill would require the commission to prepare a report with its recommendations for a pretrial risk assessment tool to the TJC no later than March 1, 2020. The TJC would have until June 1, 2020 to review the report and recommend any changes to the pretrial risk assessment tool. The commission would then be required to prepare a report containing the recommended pretrial risk assessment tool as revised no later than August 1, 2020.

OCA would be required to provide the adopted pretrial risk assessment tool to magistrates at no cost and make it available on the OCA's website no later than September 1, 2020

The bill would require a magistrate considering bail for a defendant charged with a Class B or higher offense to order the use of a pretrial risk assessment for the defendant and consider the results of the assessment within 48 hours of the defendant's arrest. The requirement would apply to a person who is arrested on or after September 1, 2020.

The bill would require the commission to prepare a report regarding the implementation and use of the pretrial risk assessment tool and its effect on pretrial recidivism no later than January 1, 2023. The commission would be abolished on September 1, 2023.

The bill would take effect September 1, 2019.

Methodology

OCA states that this project would be eligible for funding from General Revenue-Dedicated Statewide Electronic Filing Fund No. 5157 due to this account's eligible usage including support of court technology projects that have a statewide impact; however, it is unknown whether there will be sufficient funding available in this account in the 2020-21 biennium. Therefore, this analysis assumes General Revenue Funding would be needed to cover the obligations under the provisions of the bill.

According to OCA, the work to be completed by the commission under the provisions of the bill will require one judicial information specialist position and one researcher position to write reports, coordinate meetings, analyze data, and provide other resources and support to the commission starting September 1, 2019 until the it is abolished on September 1, 2023. This analysis includes \$184,051 in each fiscal year for salaries and benefits. In addition, it is assumed that equipment and other operating costs would total \$32,638 in fiscal year 2020; \$12,326 in fiscal year 2021; \$12,806 in fiscal year 2022; and \$13,216 in fiscal year 2023.

Under provisions of the bill, appointed members would not be entitled to compensation while serving on the commission but may be reimbursed for actual and necessary travel and lodging expenses. Based on OCA's historical expenses incurred while providing support to similar commissions, the average travel and lodging cost per member per day is anticipated to be \$281. OCA anticipates approximately 10 commission members will request reimbursement for travel and lodging expenses while participating in an estimated 4 commission meetings each fiscal year ($\$281 \times 10 \text{ members} \times 4 \text{ meetings} = \$11,240$ each fiscal year).

Under the provisions of the bill, OCA would be required to make available to magistrates a validated pretrial risk assessment tool based on the recommendations of the commission and the

TJC no later than September 1, 2020. OCA anticipates a one-time cost of \$600,000 in fiscal year 2020 to develop the tool. This analysis assumes that ongoing support could be absorbed with existing resources.

Local Government Impact

Cameron County would require the addition of one employee to assist with pretrial risk assessments of eligible defendants within the 48-hours of arrest timeline.

Tom Green County reports a significant fiscal impact, with the county incurring additional costs of \$1.1 to \$1.2 million each year, beginning in state fiscal year 2021. The estimate includes staff (18 full-time equivalent positions) and operating funds necessary to perform risk assessment screening in the county jail and to operate a personal recognizance bond program.

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

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