

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 21, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: **SB2191** by Whitmire (relating to the confinement of a defendant pending trial and detention or placement of a juvenile offender.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would prohibit local juvenile probation departments and the Juvenile Justice Department from placing juveniles in out-of-state contract facilities, unless the receiving facility accepts supervision of the child when the child's parents or other person having legal custody resides or is undertaking residence in that state.

In fiscal year 2018, 176 juveniles were placed in an out-of-state residential facility. This does not include juveniles whose parents or other person having legal custody resides in or is undertaking residence in that state, and does not include potential capacity in non-secure treatment facilities in the state. Our analysis determined that the current local secure facilities capacity can support the additional juveniles, and local nonsecure facilities and contract residential placements in Texas may also be available for this purpose.

In fiscal year 2018, the average cost per day in an out-of-state residential facility was \$170.59 and the average cost per day of juveniles placed in an in-state residential facility was \$170.39. Based on this analysis, any costs associated with the bill would not have a significant fiscal impact and could be absorbed within existing resources.

It is assumed the provisions of the bill related to bail bonds would have no significant fiscal impact to the State.

The bill would take effect September 1, 2019.

Local Government Impact

According to Lubbock County, it would cost an estimated \$15,420.0 per juvenile if they are placed within a local post-adjudication state facility. The county states that the majority out of state non-secure placements are funded through Title IV funds. Therefore, the total daily rate will be reimbursed by 48.117 percent.

Nueces County states that the county would potentially lose out on Title IV reimbursements

totaling \$68,815 per fiscal year, as well as \$1,632 per fiscal year for travel costs that were being paid for by the out of state facilities.

Lamb County estimates that the bill would cost \$4,500 per fiscal year.

According to OCA, if a county currently houses defendants who are detained pretrial out of the state and the contract costs for that housing is less expensive than housing a defendant in a jail in the state, the bill could result in increased costs to local government. However, the agency does not have information with which to determine if those circumstances exist.

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated for the confinement of a defendant pending trial and detention.

Source Agencies: 644 Juvenile Justice Department, 212 Office of Court Administration,
Texas Judicial Council

LBB Staff: WP, LBO, AI, NA, JPo, SD, GP, AF