

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

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 30, 2021**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB20** by Murr (Relating to rules for setting the amount of bail, to the release of certain defendants on a monetary bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB20, Conference Committee Report : an impact of \$0 through the biennium ending August 31, 2023.

The bill would have a negative impact of (\$1,112,500) to General Revenue-Dedicated Statewide Electronic Filing System Account 5157 through the biennium ending August 31, 2023.

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:**

| <i>Fiscal Year</i> | <i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i> |
|--------------------|---|
| 2022               | \$0   |
| 2023               | \$0   |
| 2024               | \$0   |
| 2025               | \$0   |
| 2026               | \$0   |

**All Funds, Five-Year Impact:**

| <i>Fiscal Year</i> | <i>Probable Savings/(Cost) from Statewide Electronic Filing System 5157</i> |
|--------------------|---|
| 2022               | (\$650,000)   |
| 2023               | (\$462,500)   |
| 2024               | (\$462,500)   |
| 2025               | (\$462,500)   |
| 2026               | (\$462,500)   |

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to provide that any person shall be eligible for bail

unless denial of bail is expressly permitted by the Texas Constitution or Chapter 17 of the Code of Criminal Procedure. The bill would limit the amounts that a clerk may deduct from a defendant's cash bond or cash bail bond.

The bill would require the Office of Court Administration (OCA) to develop a public safety report system that is standardized for statewide use and meets certain specifications. Under the bill's provisions, OCA would have to provide access to the system to the appropriate officials in each county at no cost. OCA would be required to collect data relating to the use and efficiency of the system and, not later than November 1 of each even numbered year, make changes or updates to the system to ensure compliance with the bill's provisions. The bill would require a magistrate setting bail to consider the public safety report for a defendant charged with a Class B misdemeanor or higher category of offense.

The bill would require OCA to develop a training course regarding a magistrate's duties with respect to the public safety reports and setting bail.

The bill would limit when a magistrate can release an arrested person on personal bond. The bill would require a magistrate to set bail at the least restrictive and minimum amount of bail necessary to ensure the defendant's appearance in court and the safety of the community, law enforcement, and the victim of the offense.

The bill would permit judges to establish bail schedules in certain circumstances. The bill would require magistrates to provide notice of conditions of bond to certain individuals and for law enforcement to enter those conditions into the statewide law enforcement information system maintained by the Department of Public Safety.

## **Methodology**

Costs reflected in the table above are based on the analysis provided by OCA.

This analysis assumes funding would be needed for development and licensing costs in fiscal year 2022 totaling \$650,000 for the public safety report system. This total includes costs for professional services developing software and costs for licenses for 1,050 magistrates. This analysis also assumes annual costs of \$462,500 each subsequent year would be necessary for continued licensing and support for those magistrates.

This project would be eligible for funding from the General Revenue-Dedicated Statewide Electronic Filing Fund No. 5157. Based on information provided in the Comptroller's Biennial Revenue Estimate, this analysis assumes there would be sufficient funding available in the account in the 2022-23 biennium to cover funding necessary to implement the provisions of the bill.

Based on the analysis of the OCA, it is assumed that duties and responsibilities associated with developing the training course and cash bail forms and procedures could be accomplished utilizing existing resources.

## **Technology**

Funding in fiscal year 2022 totaling \$650,000 would be needed for development and licensing costs for the public safety report system with \$462,500 each subsequent year for continued licensing and support for the system.

## **Local Government Impact**

The fiscal impact to counties cannot be determined at this time.

**Source Agencies:** 212 Office of Court Admin, 300 Trusteed Programs - Gov

**LBB Staff:** JMc, LBO, SD, SLE, MW, BH, CMA, DKN, AF