

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

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

**May 12, 2021**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

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

**IN RE: HB20** by Murr (Relating to the release of defendants on bail.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB20, As Engrossed : 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**

This 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.

The bill would require the Office of Court Administration (OCA) to develop a validated 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 that only certain magistrates may release on bail defendants charged with offenses that are punishable as a felony or that are misdemeanors punishable by confinement.

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 allow magistrates to take training courses required by the bill and approved by OCA at the Texas Justice Court Training Center, the Texas Municipal Courts Education Center, the Texas Association of Counties, the Texas Center for the Judiciary, or other similar entity.

The bill would provide that only the court before whom the case is pending may release on personal bond defendants who are charged with certain offenses. Under the bill's provisions, defendants charged with certain offenses (including murder, capital murder, trafficking of persons, and continuous sexual abuse of young child or children, and other offenses) would be ineligible for release on personal bond.

The bill would establish rules governing the setting of bail and would also require the clerk of a court to send a copy of the magistrate's order imposing a condition of release on bond or modifying or removing a condition previously imposed to the attorney for the state, the chief of police or sheriff of the county where the defendant resides, and if applicable, to the childcare facility or school that the defendant must avoid.

The bill would require OCA to develop statewide procedures and to prescribe forms to be used by a court to facilitate the refund of a cash bail bond and the application of a cash bail bond paid by a person other than a defendant to the defendant's outstanding court costs and fees.

Except as otherwise provided by the bill, the bill would take effect December 1, 2021. Certain provisions would take effect September 1, 2021.

## **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**

According to the Montgomery County Justice Courts, there may be a fiscal impact to county courts but the extent the impact cannot be determined at this time. The fiscal impact to other counties cannot be determined at this time.

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

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