

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

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

**March 17, 2021**

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

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

**IN RE: SB21** by Huffman (Relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of a magistrate in a criminal case, to the reporting of information pertaining to bail bonds, and to the regulation of charitable bail organizations.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB21, As Introduced : a negative impact of (\$500,000) 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>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2022	(\$500,000)
2023	\$0
2024	\$0
2025	\$0
2026	\$0

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

<i>Fiscal Year</i>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>
2022	(\$500,000)
2023	\$0
2024	\$0
2025	\$0
2026	\$0

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to increase the number of defendants who are ineligible for release on personal bond by a magistrate or judge assigned to the case. Defendants who 1) have failed to appear or have had a bond found to be insufficient in the preceding two years; 2) are charged with committing a new offense while on bail for another offense; 3) have been convicted of a felony in the preceding three years or a Class A or B misdemeanor in the preceding year; 4) are charged with multiple offenses, even if the charges are pending in different courts; 5) are charged with a certain enumerated offense or an offense involving the

possession of four or more grams of a controlled substance or use of a deadly weapon; 7) are charged with, or in the preceding five years were charged with, the offense of escape; or 8) have ever been convicted of a sexual or aggravated sexual assault, he or she would be ineligible for release on personal bond.

The bill would amend Code of Criminal Procedure to expand the rules for fixing the amount of bail and to authorize the use of bail schedules under certain circumstances. The bill would amend the Code of Criminal Procedure to regulate organizations that solicit donations from the public for the purpose of posting bail bonds for defendants.

The bill would amend the Government Code to establish educational requirements with respect to setting bail and other magistration duties on justices of the peace. The bill would also amend the Government Code to require county clerks of a court at law to report monthly certain information pertaining to bail bonds to the Office of Court Administration (OCA).

The bill would take effect September 1, 2021.

### **Methodology**

According to OCA, the agency would need to modify its Court Activity Reporting Database, a legacy information technology system, to capture the required data. The agency estimates the cost of this modification to be \$500,000. This would be a one-time cost. The agency anticipates being able to provide ongoing support with existing resources.

### **Technology**

Based on information provided by the agency, it is assumed that costs necessary to modify the agency's Court Activity Reporting Database would be \$500,000.

### **Local Government Impact**

According to the Justices of the Peace and Constables Association of Texas, the bill would create unfunded mandates for counties and justice courts. The fiscal impact includes additional court staff to accommodate bond hearings within 48 hours of detention and the cost of additional education requirements for justices of the peace. Additionally, counties may expect increased costs for higher trial courts, as they would be the only court with jurisdiction to set personal bonds.

According to Harris County, approximately 11,000 additional people being detained in the Harris County jail for an average length of stay of 100 days would result in an additional annual cost of \$109 million. This estimate does not include capital expenditure for new construction to expand jail capacity, the cost of possible litigation, or the fiscal impact of the provision limiting charitable bail organization activities.

**Source Agencies:** 212 Office of Court Admin

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