

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 27, 2025

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB8 by Schwertner (Relating to agreements between sheriffs and the United States Immigration and Customs Enforcement to enforce federal immigration law.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, As Passed 2nd House: a negative impact of (\$1,400,000) through the biennium ending August 31, 2027. There would be an additional indeterminate cost related to the grant program authorized by the bill which would be dependent on legislative appropriations to the Comptroller.

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>
2026	(\$862,000)
2027	(\$538,000)
2028	(\$538,000)
2029	(\$538,000)
2030	(\$538,000)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$862,000)	5.0
2027	(\$538,000)	5.0
2028	(\$538,000)	5.0
2029	(\$538,000)	5.0
2030	(\$538,000)	5.0

Fiscal Analysis

The bill would require the Comptroller to establish and administer a grant program to assist sheriffs participating in immigration law enforcement agreements. The Comptroller could accept gifts, grants, and donations for the grant program, and would be required to make publicly available on the Comptroller's website, the source of these funds.

The bill would require the sheriff of each county that operated a jail or contracts with a private vendor to

operate a jail to request and enter into a warrant service model agreement with the immigration enforcement agency to be eligible for a grant. Grant awards would range from \$5,000 to \$40,000 dependent on population tiers ranging from 99,999 or less to 1,000,000 or more. Grant funding must be used to pay the costs associated with the authority granted under a warrant service model agreement that are not reimbursed by the federal government.

The bill would require the Comptroller to establish and administer an annual reimbursement program for expenses incurred in relation to the authority granted under a warrant service model agreement. The Comptroller would determine by rule would determine and prorate the amount an eligible sheriff may receive for reimbursement.

The Comptroller would prepare a biennial report on sheriffs participating in agreements under the bill. The Attorney General would be authorized to bring action against a sheriff who fails to comply with the bill, including recovering reasonable expenses.

Methodology

This analysis assumes the Comptroller would require additional staff as follows to implement the bill: four Program Specialist IVs to monitor and disburse funds to county sheriff's departments throughout the state and enforce compliance; and one Attorney V to provide legal support to draft and amend rules, assist with policy questions and review the reporting requirements for the program. Costs to the Comptroller would be \$538,000 and 5.0 FTEs annually.

Based on the Comptroller's analysis, according to the federal 2020 decennial census, there are 214 counties with a population of less than 100,000, 28 counties between 100,000 and 500,000, 6 counties between 500,000 and 1,000,000, and 6 counties above 1,000,000. As amounts appropriated to the Comptroller to fund the grant and reimbursement programs are unknown, the fiscal impact on the state cannot be estimated.

According to the Commission on Jail Standards, in 2024, the total cost of housing inmates with immigration detainees in Texas county jails, which may be eligible for reimbursement under the bill, was \$152,852,722.

The Office of the Attorney General assumes that any costs associated with necessary legal action could be absorbed using existing resources

Technology

This analysis assumes the Comptroller would require an estimated 2,160 programming hours to create a new grant system. This includes requirements gathering, design and infrastructure to support the new system. Costs to the Comptroller would be \$324,000 in fiscal year 2026.

Local Government Impact

Grant awards to local entities would be dependent on legislative appropriations to the Comptroller and are unknown at this time.

According to an estimate by TCJS, requiring sheriff's offices to enter into warrant service officer agreements with ICE will have a fiscal impact on local governments and county jails; however, the funding provided by the state should offset this impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 409 Commission on Jail Standards

LBB Staff: JMc, SZ, LCO, CSmi, NV, JKe, WP