

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 23, 2025

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

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.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB8, Committee Report 1st House, Substituted: 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 sheriff of each county with a population of 100,000 or more to request and, if offered, enter into a written agreement, also known as a 287(g) agreement, with the US Immigration and Customs Enforcement (ICE) to authorize the sheriff's department to enforce federal immigration law. This would be optional in counties with populations less than 100,000.

The bill would require the Comptroller to administer a competitive grant program to assist sheriffs participating in the agreements if they serve counties with a population of less than 1,000,000. The grant awards would be based on population tiers ranging from 50,000 or less to 1,000,000, and would be used, over a two-year period, for costs associated with participation in the agreement that are not reimbursed by the federal government. This would include compensation and equipment for peace officers, training, and other expenses associated with the agreement as determined by the comptroller.

The bill would require the Comptroller to adopt rules as necessary to implement the bill, and authorize the acceptance of gifts, grants or donations to establish and administer the program. The Comptroller would adopt a procedure for monitoring unawarded amounts and allowing recipients to request additional grant funding.

The bill would require sheriffs in counties with populations greater than 100,000 to report certain details to the Comptroller and the Attorney General, including proof that the sheriff attempted to enter into an agreement. The Texas Commission on Jail Standards (TCJS) would be required to submit an annual report on immigration detainees reported by each county jail. The Attorney General would be authorized to bring action against a sheriff who fails to comply with the bill.

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 analysis of the Comptroller, according to the federal 2020 decennial census, 40 counties with a population of 100,000 or more would be required to request and, if offered by the federal government, enter into written agreements with U.S. ICE. Of those, six have a population of over 1 million and would be ineligible to receive a grant; the remaining 34 counties would be eligible for a grant. Additionally, Texas counties with populations of less than 100,000 would be eligible for a grant if they entered into an agreement with U.S. ICE under the bill's provisions. Grant awards to local entities would be dependent on legislative appropriations to the Comptroller, and are unknown at this time.

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 287(g) agreements with ICE could have a significant fiscal impact on local government/county jails for various reasons. Each jail would need at least one jailer to be 287(g) certified for every 400 beds. Therefore, approximately 306 jailers would be required to receive training. Training and costs would vary based on which 287(g) model the county participates in.

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, WP, LCO, CSmi