

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

February 13, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB9 by Huffman (relating to the release of defendants on bail, the duties of a magistrate in certain criminal proceedings, the regulation of charitable bail organizations, and the notice provided by peace officers to victims of family violence, stalking, harassment, or terroristic threat.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB9, Committee Report 1st House, Substituted: a negative impact of (\$4,191,340) through the biennium ending August 31, 2027.

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 | (\$3,797,439) |
| 2027 | (\$393,901) |
| 2028 | (\$393,910) |
| 2029 | (\$400,981) |
| 2030 | (\$394,981) |

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 | (\$3,797,439) | 2.0 |
| 2027 | (\$393,901) | 2.0 |
| 2028 | (\$393,910) | 2.0 |
| 2029 | (\$400,981) | 2.0 |
| 2030 | (\$394,981) | 2.0 |

Fiscal Analysis

Among other provisions, the bill would expand the criminal history information required for production by the Public Safety Reporting System (PSRS) to include information regarding whether the defendant is currently released on bail or other pretrial release and the conditions of that release, whether the defendant is currently on community supervision, parole, or mandatory supervision, any outstanding warrants for the defendant's arrest, and any current protective orders.

The bill would require the Office of Court Administration to (OCA), on request by a state attorney, to provide to the attorney access to the PSRS for the purpose of allowing the attorney to access a bail form submitted to OCA. The bill would require the PSRS to be configured to allow a county to integrate with the PSRS the jail records management system and case management system used by the county. The bill would authorize OCA to provide grants to reimburse counties for costs related to integrating those systems. OCA would not be required to provide such a grant unless OCA was appropriated money for that purpose. The grant authorization would expire August 31, 2027.

The bill would authorize OCA to modify the PSRS to incorporate technological advances to the PSRS's features regarding notices and to any other processes OCA determines will enhance the PSRS's availability to protect the public.

The bill would authorize a magistrate considering the release of defendant charged with a Class B or higher offense to order, prepare, or consider a public safety report in setting bail for a defendant who is not in custody at the time the report is ordered, prepared, or considered.

The bill would prohibit certain criminal law hearing officers from releasing on bail those defendants charged with a felony offense who, at the time of offense, are either on parole or are subject to an immigration detainer, who have two or more prior felony final convictions resulting in imprisonment, or who are charged with certain offenses. The bill would also prohibit release on personal bond, in certain circumstances, for defendants charged with certain offenses. It is assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Methodology

Costs reflected in the table above are based on analysis pertaining to the PSRS. Staffing requirements for the integration and continued maintenance of the PSRS to counties include 1.0 Project Manager position and 1.0 Grant Specialist position. Salary, benefit, and payroll contribution costs would total \$282,928 in fiscal year 2026 and \$284,128 in fiscal year 2027. Operating expenses would total \$3,514,511 in fiscal year 2026 and \$109,773 in fiscal year 2027. Fiscal year 2026 includes onetime expenses to integrate approximately 600 jails and 453 district/county clerk offices into the PSRS. Onetime costs also include necessary modifications to the existing system, and for the purchase of furniture, cell phones, and information technology equipment. The fiscal implications of certain other provisions of the bill cannot be determined at this time.

Technology

Costs for the purchase of equipment for the additional 2.0 FTEs, \$2,524,801 for one-time costs associated with the integration of counties into the PSRS, and \$100,000 to modify the existing system.

Local Government Impact

According to information provided by OCA, counties would incur ongoing costs charged by the vendor once they are integrated into the PSRS. Additionally, the bill could result in more pre-trial defendants being detained rather than released on bail, which would increase detention-related costs to applicable units of local government.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

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