

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

February 11, 2025

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1047 by Huffman (Relating to the release of defendants on bail, the duties of a magistrate in certain criminal proceedings, and the notice provided by peace officers to victims of family violence, stalking, harassment, or terroristic threat.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1047, As Introduced: 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

The bill would amend the Code of Criminal Procedure to 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 or previous protective orders.

The bill would require the Office of Court Administration to (OCA), without cost to a county, allow a county to integrate with the PSRS the jail records management system and case management system used by the county.

The bill would require the public safety report prepared for a magistrate considering the release of defendant charged with a Class B or higher offense to be provided, no later than 48 hours after the defendant's arrest, to the state's attorney and to the clerk of the court in which the case is pending. The bill would authorize the magistrate to order, prepare, or consider a report in setting bail for a defendant who is not in custody at the time the report is ordered, prepared, or considered.

For a defendant charged with an offense punishable as a felony while released on bail for another pending offense punishable as a felony where the new offense was committed in a different county than the prior offense, the bill would require electronic notice be provided to an individual designated to receive the electronic notice no later than the next business day after the date the defendant is charged for the purpose of determining whether bail conditions were violated or to revoke or modify the terms of the previous bond or reconsider the previous bail decision. The bill would also require certain courts to reconsider certain bail decisions when a defendant is charged with a felony offense while on bail for another offense punishable as a felony. The bill would require the local administrative district judge for each county to designate an individual to receive electronic notices and requires each county to ensure that the individual's name and contact information are provided on criminal history and warrant documents and included in the PSRS. The bill would also outline the designated individual's responsibilities.

The bill would add a new article to the Code of Criminal Procedure which would require a magistrate of a court without jurisdiction to try an offense to send the court with jurisdiction a defendant's bail order, imposed conditions, the complaint charging the offense, and a warrant if applicable. The bill would also allow the bail order to be reviewed and modified by certain courts and outlines the considerations required in that review.

The bill would require a person who releases a defendant on bail under the authority of a standing order related to bail to complete the bail form required by the Government Code.

Methodology

Costs reflected in the table above are based on analysis provided by OCA. 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.

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

LBB Staff: JMc, MGol, DA, JPa, CMA