

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4489S.01I
Bill No.: SB 1243
Subject: Courts; Criminal Procedure
Type: Original
Date: January 5, 2026

Bill Summary: This proposal modifies supreme court rules on conditions of release from custody in criminal proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|--|-------------------------|-------------------------|-------------------------|
| General Revenue* | \$0 or (Unknown) | \$0 or (Unknown) | \$0 or (Unknown) |
| Total Estimated Net Effect on General Revenue | \$0 or (Unknown) | \$0 or (Unknown) | \$0 or (Unknown) |

*Oversight assumes the unknown impact will be less than \$250,000 annually for changes to OSCA rules regarding conditions of release in criminal proceedings.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|--|------------|------------|------------|
| | | | |
| Total Estimated Net Effect on Other State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|--|------------|------------|------------|
| | | | |
| | | | |
| Total Estimated Net Effect on All Federal Funds | \$0 | \$0 | \$0 |

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|--|----------|----------|----------|
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|-------------------------|------------|------------|------------|
| | | | |
| | | | |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

§33.01 – Supreme Court Rules on Conditions of Release From Custody

Officials from the **Office of the State Courts Administrator (OSCA)** state this proposal may have some fiscal impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

| <u>FISCAL IMPACT – State Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 |
|---|-----------------------------|-----------------------------|-----------------------------|
| GENERAL REVENUE | | | |
| Cost – OSCA (§33.01) Increase in court costs p.3 | \$0 or (Unknown) | \$0 or (Unknown) | \$0 or (Unknown) |
| ESTMATED NET EFFECT ON GENERAL REVENUE | \$0 or (Unknown) | \$0 or (Unknown) | \$0 or (Unknown) |

| <u>FISCAL IMPACT – Local Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 |
|--|-----------------------------|-------------------|-------------------|
| | | | |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act amends Supreme Court Rule 33.01 relating to conditions of release from custody in criminal proceedings. Currently, when considering the least restrictive condition for release, the court shall first consider non-monetary conditions and may only consider monetary conditions if the non-monetary conditions alone will not secure the appearance of the defendant or the safety of the community or certain persons. After considering the defendant's ability to pay, a monetary condition fixed at more than is necessary to secure the appearance of the defendant at trial or the safety of the community or certain persons is impermissible.

This act repeals this provision and provides that the court shall have discretion to impose monetary or non-monetary conditions of release as the court determines appropriate under the individual circumstances of the defendant and the case. However, in making this determination, the court shall give substantial weight to:

- (1) The defendant's prior criminal convictions or history of criminal activity;
- (2) Any prior failures to appear in court by the defendant;
- (3) The nature and seriousness of the current criminal charge; and
- (4) Any known risk to the safety of the community or other person.

The court shall not be required to exhaust non-monetary conditions before setting monetary conditions if such conditions are necessary to reasonably assure the appearance of the defendant and protect the safety of the public or certain persons. The discretion of the court under this rule shall be presumed to be valid and shall not be disturbed upon review absent a clear abuse.

This act shall become effective date on January 1, 2027.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator



Julie Morff
Director
January 5, 2026
HWC:LR:OD



Jessica Harris
Assistant Director
January 5, 2026