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## FISCAL IMPACT REPORT

SPONSOR: Griego DATE TYPED: 03/08/01 HB \_\_\_\_\_  
 SHORT TITLE: Illegal Referral to Attorney SB 776/aSJC/aSFI #1  
 ANALYST: Valdes/Dunbar

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of SFI #1 Amendment

Senate Floor Amendment No. 1 amends SB 776 by adding civilian personnel or an employee of a jail or detention facility to the personnel that will be subject to a misdemeanor charge in making an illegal referral to a bail bondsman or attorney.

#### Synopsis of SJC Amendments

The Senate Judiciary Committee makes the following amendments to SB 776:

- Reduces the crime from a “fourth degree felony” to a “misdemeanor” for making a referral to an attorney or bail bondsman by a law enforcement officer or detention officer.
- Provides for stronger language in defining illegal referral of a law enforcement officer or detention officer to “knowingly” ( changed from “intentionally”) referring to a specific attorney or jail bondsman.
- Provides for local jails to offer a list of all court-authorized and licensed bail bondsman in the vicinity.

#### Synopsis of Original Bill

Senate Bill 776 adds a section to the criminal code which makes it illegal for a law enforcement officer or detention officer to intentionally refer a person detained in jail or awaiting detention in jail to a specific attorney or bail bondsman. Whoever commits an illegal referral is guilty of a fourth degree felony.

Significant Issues

This bill is intended to prevent law enforcement and detention officers from referring persons detained or awaiting detention in jail to specific attorneys or bail bondsmen. It prevents these referrals from being exclusive to selective attorneys and bail bondsmen.

When a person is detained in jail and requires these services, he is often not acquainted with a particular attorney or bail bondsman, so the law enforcement or detention officer can easily influence the use of a particular attorney or bail bondsman. It would be more appropriate to provide the detainee with a comprehensive listing of available services and allow him to make the decision independently.

This bill would prevent exclusive referrals and require law enforcement and detention officers to provide more equitable information about attorney and bail bondsman services upon request by detainees.

The bill adds a fourth degree felony to the criminal code for violation of this provision.

It may be difficult to enforce the provisions of the bill. It is not known who would enforce the law. If would have to be fellow law enforcement officers who enforce the law. It would be difficult to determine if there is an "intentional referral" as stated in the language of the law.

**ADMINISTRATIVE IMPLICATIONS**

Enforcement of this law by local government entities may be difficult.

MFV:BD/lrs:ar