

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 3, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB393 by Smith, Todd (Relating to the appointment of counsel for an indigent defendant after adversarial judicial proceedings are initiated in certain counties.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require that in a county with a population of 250,000 or more, the court or the courts' designee shall appoint counsel as required as soon as possible, but not later than the latter of 72 hours after the defendant's arrest or the end of the first working day after the date on which the defendant's request for appointment of counsel is received. The bill would take effect immediately if it receives the required two-thirds vote in both houses; otherwise, it would take effect September 1, 2005.

Under current statute, the applicable counties are required to appoint counsel by the end of the first working day referenced. The bill would provide another option.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, DLBa