

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 13, 2005

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

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

IN RE: HB1701 by Keel (Relating to the defense of indigent persons accused of a criminal offense.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and the Code of Criminal Procedure relating to the defense of indigents accused of a criminal offense. The bill would require counties to report indigent defense information, rules, and revisions on a biennial, rather than an annual basis. The due date of November 1 of odd-numbered years would follow regular sessions of the legislature when changing plan requirements are most likely to be implemented. The bill would clarify that that juvenile boards must also submit to the Task Force and/or verify the rules and forms on file with the Task Force. The bill would clarify or amend provisions relating to membership on the Task Force on Indigent Defense. The bill would prohibit an attorney from serving as lead counsel in an indigent defense case if the counsel was found to have rendered ineffective assistance in other trials. The bill would define a governmental entity for the purposes of creating a public defender office. To the extent the bill would reduce the number of Task Force reviews of local plans from annually to biennially, the bill passed may generate minimal savings for the Task Force on Indigent Defense.

Local Government Impact

To the extent that local government would incur savings by reporting biennially, rather than annually to the Task Force on Indigent Defense, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

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