

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 18, 2005**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB3152** by Escobar (Relating to procedures applicable to waivers of the right to counsel.),  
**As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would prohibit an attorney for the state in a criminal case from attempting to obtain a waiver of the right to counsel from an unrepresented defendant or from communicating with a defendant who has requested the appointment of counsel, unless the request for a court-appointed counsel for an indigent defendant has been denied. The bill would also prohibit the court from directing or encouraging a defendant to communicate with an attorney for the state until the court has advised the defendant regarding the right to counsel or the right to waive counsel. The bill would take effect September 1, 2005.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DLBa