

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 4, 2007

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

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

IN RE: HB1178 by Escobar (Relating to procedures applicable to waivers of the right to counsel in certain adversary judicial proceedings that may result in punishment by confinement.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit prosecutors from initiating or encouraging an unrepresented defendant to waive his right to counsel, and from communicating with a defendant who has requested counsel. The act would also prohibit judges from encouraging unrepresented defendants to communicate with prosecutors until advising them of their right to counsel. Notwithstanding any other provision of Article 17, Code of Criminal Procedure, the judge or magistrate would be prohibited from ordering the accused to be rearrested or require the accused to give another bond in a higher amount because of the withdrawal of a waiver of the right to counsel or because of a request for assistance of counsel, appointed or retained.

Provisions of the bill would apply only to proceedings and waivers that occur on or after the effective date of the bill, which would be September 1, 2007.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: JOB, ES, DB