

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 26, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would 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. Pursuant to the act, any waiver obtained in this manner would be presumed invalid.

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