

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB107** by Phillips (Relating to allowing for certain criminal proceedings in the absence of certain defendants.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure to allow the acceptance of a plea of guilty or nolo contendere and for the rendering of a judgment and sentence of certain defendants who are confined in a penal institution, provided certain procedures occur and the defendant is notified of certain information related to their rights.

If a defendant were to enter a plea of guilty or nolo contendere under provisions of the bill, the attorney representing the state would be authorized to request at the time the plea is entered that the defendant submit a fingerprint of the defendant suitable for attachment to the judgment. The county in which the defendant is confined would be required to obtain the fingerprint and forward it to the court via first-class mail or other means acceptable to the state's attorney and the county.

The bill would take effect September 1, 2009.

To the extent the bill would result in reduced costs relating to transporting defendants confined in penal institutions to courts for rendering of sentences, no significant fiscal implication to the State is anticipated.

**Local Government Impact**

Savings to counties related to transportation and incarceration costs would vary and would depend on the number of defendants in a penal institution who choose to waive the right to be present at the rendering of the judgment and sentence.

Costs related to obtaining and forwarding a fingerprint would vary and would depend on the number of cases in which the request is made.

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

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, DB, ESi, SD, TP, GG