

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**May 20, 2009**

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

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

**IN RE: HB2267** by Hodge (Relating to the joint or separate prosecution of a capital felony charged against two or more defendants and the extent of a defendant's criminal responsibility for the conduct of a conspirator in capital felony cases.), **As Engrossed**

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

The bill would amend the Code of Criminal Procedure relating to the joint or separate prosecution of a capital felony charged against two or more defendants and the extent of a defendant's criminal responsibility for the conduct of a conspirator in capital felony cases. According to the Office of Court Administration, under current law, a court has discretion to jointly try two or more defendants who are charged with the same offense or with any offense growing out of the same transaction in capital felony cases. To the extent the bill would amend court procedures to necessitate two or more capital trials rather than one trial, no significant increase in judicial workloads or fiscal implication to the State is anticipated.

**Local Government Impact**

The costs of adjudicating two or more capital trials for two or more defendants rather than only one trial may have a fiscal implication for any particular jurisdiction. Because this estimate assumes such circumstances would be infrequent, no significant implication to units of local government statewide is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, TB