

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 28, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB278 by Alonzo (Relating to pretrial hearings in criminal cases.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require a court to hold a pretrial hearing at the defendant's request at least 30 days prior to trial, provided the state or the defendant requests the hearing at least 60 days before the trial commences. According to the Office of Court Administration (OCA), under current law a court has the discretion to set any criminal case for a pretrial hearing. To the extent the bill would result in additional pretrial hearings, the state's portion of costs for trial court operations, in most instances limited to funding for salaries of district court judges, is not likely to be affected. Accordingly, although the bill amendments may result in additional local costs, the overall impact to the state's portion of court costs is not anticipated to be significant. The bill would take effect September 1, 2011.

Local Government Impact

Counties reported that there would be no significant impact associated with the bill. While cases involving pretrial could be significantly more costly, counties do not anticipate a substantial number of defendants requesting pretrial hearings and hence do not anticipate a significant fiscal impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, TB, ESi, KKR