

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 22, 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.), **As Introduced**

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. 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. Most current pretrial hearings involve no contested matters, but, rather, administrative rulings on basic things like discovery and pretrial notice, which are handled quickly. Most courts do not hold live hearings on contested matters, such as a motion to suppress, in advance of trial. Instead, courts hold such motions and conduct the hearing just before or during the trial in order to handle the issue more efficiently. Most of those motions are never heard because the defendant generally works out the case and waives the hearing through a plea bargain. Making pretrial hearings mandatory 30 days prior to trial could result in significant local costs. Not only would more pretrial hearings result in costs for holding additional hearings, but they could also cause court delays, backed-up dockets, and increased jail costs by adding mandatory time to the process. However, the state's portion of trial court operations in most instances is limited to funding for salaries of district court judges. Accordingly, although the bill amendments may result in significant local court and jail 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 and hence do not anticipate a significant fiscal impact.

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

LBB Staff: JOB, ESi, TB, KKR