

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 14, 2011

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

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

IN RE: HB446 by Guillen (Relating to discovery in a criminal case and the consequences of a failure to disclose certain discoverable evidence in a timely manner.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Texas Code of Criminal Procedure, including an amendment to remove from the defendant the obligation to file a discovery motion, show good cause, and provide notice to the other parties. The bill would require a court to enter a discovery order which conforms to the new requirements not later than the 30th day after the date an information or indictment is filed in a criminal case. According to the Office of Court Administration (OCA), this requirement may be problematic for some courts, especially those whose jurisdiction covers more than one county. OCA reports since some courts would ordinarily have no knowledge of the filing of an information or indictment within 30 days, special procedures may have to be created in order to meet this requirement. Whether, and to what extent, new procedures may cause a fiscal impact is difficult to assess and any impact will certainly vary widely between affected courts. If new procedures must be implemented and those procedures place additional responsibilities on district and county clerks, additional fiscal impact may occur; however, for the purposes of this analysis, the fiscal implication statewide in is not anticipated to be significant. The bill would take effect September 1, 2011.

Local Government Impact

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

As noted above, if new procedures must be implemented and those procedures place additional responsibilities on district and county clerks, additional fiscal impact may occur; however, for the purposes of this analysis, the fiscal implication to local jurisdictions statewide in is not anticipated to be significant.

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

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