

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION
Revision 1

April 18, 2011

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

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

IN RE: HB976 by Carter (Relating to the issuance of a warrant or summons by a magistrate.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to allow a defendant to appear before a magistrate via an electronic broadcast system defined as a two-way image and sound communication. The bill also would require a recording of the communication presented through an electronic broadcast system, if a defendant is charged with the offense, to be preserved until the defendant is acquitted or all appeals have been exhausted. A counsel for the defendant would be allowed to obtain a copy of the recording for a reasonable fee to cover the costs.

According to the Office of Court Administration, because the use of an electronic broadcast system would be optional, the recording and preserving of the recording would also be optional; therefore, the bill would not require any changes to present procedures and would not result in any significant fiscal impact to the State judicial system.

Local Government Impact

There could be costs associated with the recording and storage of a communication between a defendant and a magistrate using an electronic broadcast system, but those amounts would vary depending on whether a system is currently available and the number of defendants that opted to appear via an electronic system. It is assumed that a magistrate would only authorize the use of an electronic broadcast system if it was currently available; therefore, no significant fiscal implication to units of local government is anticipated.

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

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