

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 27, 2011**

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

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

**IN RE: HB1918** by Larson (Relating to the appointment of counsel to represent an indigent defendant in a capital case and to the reimbursement of certain expenses incurred by appointed counsel.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure regarding procedures for appointing legal counsel to an indigent defendant in a capital case. Unless the state files written notice that it will not be seeking the death penalty, a judge would be required to appoint a second attorney to the case by the earlier of the date the state files written notice that it will seek the death penalty or the 90th day after the date on which the defendant is charged with a capital offense. If a second attorney has been appointed and the state files written notice that the state will not be seeking the death penalty, the judge may remove the second attorney; however, the second attorney would still be entitled to reasonable payment for services rendered. To the extent the bill would amend appointment procedures; no significant fiscal implication to the state is anticipated. The bill would take effect September 1, 2011.

**Local Government Impact**

The bill would amend the Code of Criminal Procedure to require a district court judge to appoint one attorney, rather than two, when a capital felony case is filed. In cases where prosecutors do not seek the death penalty a second attorney will not be required to be appointed.

Savings to counties would vary depending on the number of cases in which the second attorney is removed and how many billable hours the second attorney would have accrued; however these savings are not anticipated to be significant.

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

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