

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 10, 2011

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

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

IN RE: HB3323 by McClendon (Relating to the standards for attorneys representing indigent defendants in capital cases.), **As Introduced**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Code of Criminal Procedure to give the local selection committee the authority, at the request of an attorney, to make a determination regarding an attorney's current ability to provide effective representation following a judicial finding of ineffectiveness. The bill would eliminate automatic disqualification of attorneys who have been previously found ineffective to be appointed as lead counsel in capital cases where the death penalty is sought. To the extent the bill would amend procedures relating to attorney qualifications, no significant fiscal implication to the state is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

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

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

LBB Staff: JOB, ESi, TB, JT