

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 20, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: SB1681 by Ellis (Relating to the appointment of counsel and the rights of an accused and other requirements for the purposes of appellate proceedings or community supervision revocation proceedings.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure to clarify procedures that judges and defense attorneys must follow when counsel is allowed to withdraw after guilty plea or trial, in order to ensure prompt appointment of replacement counsel if the defendant wishes to pursue a motion for new trial and/or appeal. The bill would provide that the Fair Defense Act procedures for appointing attorneys, such as from a list in a fair manner, apply to appeals in criminal cases and to probation revocation hearings. The bill would also grant any magistrate the authority to give warnings such as the right to counsel to persons arrested on motions to revoke probation. Under current law, since attorneys must already be appointed to represent indigent defendants in these cases, no significant impact on judicial workloads, indigent defense costs to counties, or fiscal implication to the state is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

Since attorneys must already be appointed to represent indigent defendants in the situations described by the bill, there is not anticipated to be a significant fiscal impact on local courts system.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

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