

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

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

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

IN RE: SB1682 by Ellis (Relating to the creation of managed assigned counsel programs.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize the creation of a managed assigned counsel program by a commissioners court with written approval of a judge of the juvenile court of a county or county court, statutory county court, or district court trying criminal cases. The managed assigned counsel program would be responsible for appointing counsel under specified cases. The commissioners court could appoint a governmental entity, a nonprofit corporation or a bar association to operate a program. The bill would provide procedures and requirements for a managed assigned counsel program, including the requirement of a written plan and a director. A program would be entitled to receive funds for personnel costs and expenses occurred as fixed by the commissioners court.

According to the Office of Court Administration (OCA), neither the state grant funding structure nor the amounts of those grants would be modified; therefore, no significant fiscal impact to the State is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

There could be costs associated with creating and operating a program. It is assumed that a county would create a program only if sufficient resources existed in the county's budget; therefore, no significant fiscal impact is anticipated.

Harris County reported the bill would have no fiscal impact on the county. Harris County is currently implementing a hybrid public defender and appointed counsel system and has no plans to implement the system described in the bill.

Ward County reported there would only be costs if the judges and commissioners decided to create and implement a program; therefore, no significant fiscal impact is anticipated.

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

LBB Staff: JOB, ESi, JT, TB, TP