

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 19, 2013

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB261 by Miles (Relating to the joint or separate prosecution of a capital felony charged against two or more defendants.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the joint or separate prosecution of a capital felony charged against two or more defendants. The bill would require courts to hold separate trials for two or more defendants who are indicted for the same capital felony for which the state seeks the death penalty for any one of the defendants. To the extent the bill would amend court procedures, the change is not anticipated to significantly increase judicial workloads statewide, resulting in no significant fiscal implication to the State. The bill would take effect September 1, 2013.

Local Government Impact

The bill would require courts to hold separate trials for two or more defendants who are indicted for the same capital felony for which the state seeks the death penalty for any one of the defendants, which could increase local expenditures due to the prosecutorial costs, and increased court operating costs. Costs to local governmental entities to implement the provisions of the bill would depend upon the number of capital felony trials.

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

LBB Staff: UP, ESi, AM, KKR, TB