

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 20, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB1318** by Turner, Sylvester (Relating to the appointment of counsel to represent certain youths and indigent defendants.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would require the court, in certain circumstances, to appoint counsel within a reasonable time before the initial detention hearing is held to represent the child at that hearing. The bill would disallow a public defender from accepting an appointment under Article 26.04(f) if the acceptance of the appointment would violate the maximum allowable caseloads established at the public defender's office. A chief public defender would be required to file with the court any reason for refusing the appointment, and the chief public defender may not be terminated, removed, or sanctioned for refusing in good faith to accept an appointment.

The bill would amend the Code of Criminal Procedure to change certain reporting requirements to the Texas Indigent Defense Commission. The bill requires that certain counties submit information annually on certain attorney caseloads for the preceding fiscal year.

The Office of Court Administration (OCA) does not anticipate a significant fiscal impact to the state. No significant impact to juvenile correctional populations is expected from the bill.

**Local Government Impact**

According to the Texas Association of Counties, the counties of Brazoria, Kerr, and Rockwall reported that no significant fiscal impact is anticipated from sections of the bill related to the appointment of counsel. Regarding the sections of the bill related to reporting requirements, annual reports on attorney caseloads will have to be prepared by counties, resulting in an additional workload; however, fiscal impact to units of local government is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 644 Texas Juvenile Justice Department

**LBB Staff:** UP, ESi, KKR, JPo