

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 18, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1517 by Seliger (Relating to the appointment of counsel to represent indigent defendants in criminal cases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Appeals to specify in certain cases a magistrate in the arresting county must transfer any request for counsel to the appointing authority in the warrant-issuing county within 24 hours after the arrested individual requests the counsel. The bill would require the appointing authority in the warrant-issuing county to appoint counsel within a certain timeline regardless of whether the individual is present in the county. The bill would require the arresting county to immediately appoint counsel after the tenth day the individual is in custody of the arresting county to represent the individual in certain court proceedings.

The Office of Court Administration reported no significant fiscal impact to the state court system is anticipated.

Local Government Impact

There could be costs associated with the appointment of attorneys in these cases; however, those costs could be offset by the reduced jail detention time of holding an individual. These cost would depend on how many individuals are arrested on warrants issued out of county and if the county arrested the individual or issued the warrant.

According to the Texas Association of Counties, the bill would create a cost shift from counties that arrested individuals on out of county warrants to the counties that issued the warrants.

According to the Texas Association of Counties, El Paso County reported the costs of incarceration (\$89.66) per day, an average stay of approximately three days and if 1 out of 100 beds were filled with out of county arrestees the cost would be \$523,614.40 per year. Under the provisions of the bill, if half of the defendants were diverted to another court, instead of the county jail, the cost savings would be approximately \$261,807.20 per year.

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

LBB Staff: UP, KJo, SD, EK