

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 29, 2017**

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

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

**IN RE: SB291** by Whitmire (relating to the issuance of a writ of attachment for certain witnesses.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure and Government Code to reform a writ of attachment and would limit a prosecutor or foreman to the issuance of a summons, but authorizes the prosecutor or foreman to request the issuance of a writ of attachment by a district court. The bill would require that the subject of the proposed writ be provided with representation and a hearing in the county of their residence and only allow issuance of the writ upon a court's finding that the subject is a material witness and the writ is necessary to ensure the witness will testify. The bill would establish reporting obligations associated with these writs. Based on the analysis of the Office of Court Administration, Department of Public Safety, and Comptroller of Public Accounts, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts, 405 Department of Public Safety

**LBB Staff:** UP, JGA, KJo, GDz, JAW