

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 12, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB1649 by Kolkhorst (relating to the provision of funding for indigent defense services and to the representation of indigent defendants in criminal cases.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify that the Texas Indigent Defense Commission (TIDC) may offer financial and technical assistance to counties for the establishment, operation, and oversight of public defenders' offices. The bill would require TIDC to provide ongoing financial assistance to counties to ensure the continued existence of such public defender offices.

The bill would require TIDC to establish policies and procedures for the operation and administration of a public defender's office and would require TIDC to submit a report to the Governor and Legislature by November 1 of each even-numbered year on public defender offices. The bill would also require TIDC to conduct an annual review of criminal defense attorney's fees in the state to ensure they are charging equitable, consistent, and fair rates across the state.

According to the Office of Court Administration, the expected fiscal impact to the state is dependent on the number of counties interested in creating a public defender's office since each county decides how to provide legal services to indigent defendants in that county. TIDC provides grant funds for these purposes through the Improvement Grant program. The number of counties seeking TIDC assistance to create public defenders' offices would likely increase as would TIDC's technical assistance to help counties explore this option. The amount of grant funds available and the percentage of the cost that could be paid for with grant funds are also factors in the likely interest in public defenders' offices.

Based on the analysis of the Office of Court Administration, 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
LBB Staff: WP, SLE, LBO, GDz