

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 22, 2019**

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

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

**IN RE:** **SB1649** by Kolkhorst (relating to assistance with the establishment, operation, and oversight of public defenders' offices and a review of certain criminal defense attorney's fees by the Texas Indigent Defense Commission.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Government Code to direct the Texas Indigent Defense Commission (TIDC) to offer financial and technical assistance to counties for the establishment, operation, and oversight of public defenders' offices. The bill requires TIDC to prioritize offering this assistance to counties with populations of less than 100,000. 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 that includes a plan and timeline for establishing public defenders' offices in counties with populations under 100,000 and the number of such offices established with TIDC's assistance under the bill. 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 with an increased focus on counties with fewer than 100,000 residents, along with more TIDC 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, LBO, GDz