

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

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 30, 2021**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB689** by Collier (Relating to the appearance of an arrested person before a magistrate and to the retention of certain related records.), **Committee Report 1st House, Substituted**

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

The bill would reorganize Article 15.17(a), Code of Criminal Procedure, related to a magistrate informing an arrested person of their rights when they first appear in court following arrest, by adding subsection headings and shifting text to improve readability. The bill would require magistrates conducting proceedings via videoconference to ensure that the arrestee can connect to and understand the image and sound of the videoconference.

The bill would require a magistrate who has reasonable cause to believe the arrested person is mentally ill or a person with an intellectual disability to follow the procedures of Article 16.22 to conduct assessment of the person. The bill would require the magistrate to appoint counsel or notify the appointing authority if the arrestee cannot understand and participate in the proceeding

Based on the analysis of the Office of Court Administration (OCA) and the Commission on Jail Standards, it is assumed that duties and responsibilities associated with implementing the provisions of the bill can be accomplished utilizing existing resources. In addition, OCA anticipates no significant fiscal impact to the state court system due to implementing the provisions of the bill.

**Local Government Impact**

The Texas Municipal League does not anticipate significant fiscal implication to units of local government.

**Source Agencies:** 212 Office of Court Admin, 409 Commission on Jail Standards

**LBB Staff:** JMc, DKN, BH, MW, AF