

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 7, 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.), **As Introduced**

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 an arrested person can understand the image and sound of the proceeding. The bill would also clarify that the magistrate must ensure an arrested person is provided reasonable assistance with completing the forms required to request counsel at the same time as the proceeding.

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.

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, MW, BH, AF