

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

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

**March 22, 2021**

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

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

**IN RE: HB1605** by Dutton (Relating to the establishment of the inmate legal services office and to the appointment and compensation of certain legal counsel for certain indigent inmates and other persons in secure correctional facilities.), **As Introduced**

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

The bill would amend the Government Code to create the Inmate Legal Services Office (ILSO) to provide legal representation to a person who commits an offense while in a correctional facility or correctional institution of the Texas Department of Criminal Justice (TDCJ) and is determined to be indigent. Currently, legal representation is provided by the State Counsel for Offenders (SCFO).

The ILSO would employ attorneys, support staff, and any other personnel required to provide legal representation and pay all fees and costs associated with providing legal representation for indigent inmates, unless a conflict of interest exists, the office has insufficient resources to provide adequate representation, the office is incapable of providing representation in accordance with the rules of professional conduct, or the acceptance of the appointment would require the attorneys at the office to have a caseload that exceeds the maximum allowable caseload as established by the office.

The bill would require the State Bar of Texas to appoint members to the Inmate Legal Services Board and require the board, by majority vote, to hire a director for the ILSO by January 1, 2022. Under the provisions of the bill, the Board would determine the director's salary which must maintain parity with the compensation of the chief of the special prosecutions unit.

The bill would require the ILSO to represent an indigent defendant subject to a civil commitment proceeding to determine if a person is a sexually violent predator.

The provisions of the bill would only apply to legal representation appointed on or after February 1, 2022. An employee of the SCFO, other than the director, would become an employee of the ILSO on the effective date of the bill, or September 1, 2021. It is assumed that the costs associated with the bill's provisions could be absorbed using existing resources.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Admin, 696 Department of Criminal Justice

**LBB Staff:** JMc, DKN, SD, BH, MW, KVEL, WP, LBO, DA