

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

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

**March 27, 2021**

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

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

**IN RE: HB2631** by Krause (Relating to the use of in-custody informant testimony in a criminal trial.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure to establish that the testimony of an in-custody informant is not admissible against a defendant in a criminal trial of certain offenses unless the prosecutor notifies the defendant at least 21 days in advance of trial that the state intends to offer the informant's testimony. The bill would require a hearing outside the presence of the jury in which the judge must determine if any benefit was offered to the informant that would unduly influence their testimony; whether the informant is reliable and credible; and whether the value of the testimony is not outweighed by the danger of causing unfair prejudice to the defendant, causes unnecessary complications of the issues, or misleads the jury.

The bill would provide the defendant a right to call the informant as a witness at trial. The bill would require the prosecutor to provide to the defendant all information and records to be provided at the admissibility hearing, which must be provided not later than 10 days before the hearing. The bill would require a jury instruction to disregard an in-custody informant's trial testimony unless the jury determines the testimony truthful and any benefit offered to the informant did not influence their testimony.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Admin

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