

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

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

**April 10, 2021**

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

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

**IN RE: HB3988** by Guillen (Relating to the procedures governing the prosecution of misdemeanor offenses in the jurisdiction of the justice and municipal courts.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure Article 45.031 to provide that if the state is not represented by counsel when the case is called for trial, the justice of the peace or municipal court judge may postpone trial, appoint any competent attorney as attorney pro tem to represent the state, or proceed. The bill provides that an attorney appointed pro tem would be qualified to perform the duties of the office of the attorney representing the state on filing an oath with the clerk of the court and may be paid a reasonable fee for performing those duties.

According to the Office of Court Administration, no significant fiscal impact to the State court system is anticipated.

**Local Government Impact**

According to the Justices of the Peace and Constables Association, no significant fiscal impact on justice courts is anticipated.

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

**LBB Staff:** JMc, DKN, CMA, DPE