

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 14, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2111 by Zaffirini (Relating to legal representation of indigent persons in this state and to proceedings before a magistrate including the appointment of counsel for an indigent defendant.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2111, As Introduced: a negative impact of (\$50,123,910) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2026	(\$23,469,346)
2027	(\$26,654,564)
2028	(\$31,117,845)
2029	(\$35,715,413)
2030	(\$33,068,202)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Probable Savings/(Cost) from Fair Defense 5073</i>	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$23,469,346)	\$16,873,000	2.0
2027	(\$26,654,564)	\$17,823,000	2.0
2028	(\$31,117,845)	\$18,783,000	2.0
2029	(\$35,715,413)	\$19,742,000	2.0
2030	(\$33,068,202)	\$20,701,000	2.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to require a court to appoint an attorney to represent an eligible indigent defendant to investigate a claim and file a writ of habeas corpus under certain conditions.

The bill would allow public defender offices to hire privately-employed criminal defense attorneys on a part-time basis for the sole purpose of representing indigent persons in their appearance before a magistrate for certain hearings.

The bill would describe additional services that may be provided by managed assigned counsel programs (MACs) and would clarify their judicial functions and operations.

The bill would require an attorney appointed to represent a defendant be compensated for certain expenses under certain conditions.

The bill would allow a local public defender's office to certify to the court the amount of expenses incurred in representing a prison inmate. The court would then submit this to the Comptroller for reimbursement to the county.

The bill would amend Education Code to create a student loan repayment program for eligible attorneys who work on appointed criminal, juvenile delinquency, and family protection cases in underserved areas that would be administered by the Texas Higher Education Coordinating Board.

The bill would amend Government Code to create the Texas Public Defense Internship and Fellowship Program at the Texas Indigent Defense Commission (TIDC) to provide grants to assist students and recent graduates in providing appointed legal representation in criminal, juvenile delinquency, and family protection cases in underserved areas.

The bill would provide free access to the Department of Public Safety's criminal history data to private attorneys appointed by MACs.

The bill would amend the Tax Code to dedicate 1% of the mixed beverage tax to the General Revenue-Dedicated Account No. 5073, Fair Defense Account.

Note: This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either in, with, or outside the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

Based on information provided by the Higher Education Coordinating Board (THECB), the cost estimate for the loan repayment assistance program used TIDC data from fiscal year 2023 to estimate the number of eligible recipients. THECB modeled all eligible participants entering the program over a four-year cycle. The agency indicates it does not have data to determine how the eligible population will grow over time. This analysis assumes the agency would require \$4,657,135 in fiscal year 2026 and \$6,898,953 in fiscal year 2027 to implement the loan repayment assistance program authorized by the bill. This includes \$10,429,979 for the biennium to provide grants to eligible applicants, \$102,000 for 1.0 FTE Customer Services Representative, \$993,591 in other operating costs and \$30,518 in benefit and payroll contributions.

Based on information provided by the Office of Court Administration, this analysis assumes the agency would require \$1,939,211 in General Revenue Funds in fiscal year 2026 and \$1,932,611 in fiscal year 2027 to implement the fellowship and internship program authorized by the bill. This includes \$3,660,000 for the biennium to provide grants to eligible students and recent graduates, \$154,008 for 1.0 FTE position to administer the program, \$11,735 in other operating costs and \$46,079 in benefit and payroll contributions.

Based on information provided by the Comptroller of Public Accounts, the allocation of 1% of mixed beverage tax revenue would result in a loss to the General Revenue Fund of \$16,873,000 in fiscal year 2026 and \$17,823,000 in fiscal year 2027 while General Revenue-Dedicated Account No. 5073, Fair Defense Account, would see an equivalent revenue gain.

Technology

These costs include a one-time technology cost of \$970,741 in fiscal year 2026 for THECB to implement the loan repayment assistance program.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 781 Higher Education Coordinating Board

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