

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 17, 2003

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB665 by Gallego (Relating to standards of competency for attorneys appointed as counsel to indigent applicants in certain habeas corpus proceedings.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to modify the standards of competency for attorneys appointed as counsel to indigent defendants in certain habeas corpus proceedings. The bill would take immediate effect if the bill receives the vote of two-thirds of the members of each house. Otherwise, the bill would take effect September 1, 2003.

Local Government Impact

Costs to local governments to implement the bill would depend on the size of the county and the number of capital cases filed in each county. Counties with large municipalities have larger populations, but they also have a larger population of available lawyers with the characteristics required by the bill.

Both Harris County (population 3,470,000, annual budget of \$970 million) and Dallas County (population 2,218,899, annual budget of \$571 million) have large numbers of capital cases that are tried, but each county reported that the bill would have no significant fiscal impact on their budgets.

Conversely, smaller counties usually have smaller or no municipalities, smaller overall populations and, correspondingly, smaller populations of available lawyers with the characteristics required by the bill. They also have a smaller proportion of capital cases that are tried. Therefore, costs to smaller counties would be significant only in a year in which a capital case was tried in the county. Denton County (population 475,000, annual budget of \$115 million) has had only one capital case filed since 1998. Parker County (population 88,485, annual budget of \$39 million) reported that no capital case has been filed in the county since 1989.

Source Agencies: 211 Court Of Criminal Appeals, 696 Department Of Criminal Justice

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