

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 11, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1011 by Hochberg (Relating to postconviction DNA testing.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the provision of the Code of Criminal Procedure that allows a convicted person to submit to the convicting court a motion for forensic DNA testing of evidence. Currently, indigent persons are entitled to the appointment of counsel to assist with the motion and attendant proceedings. This bill would continue to permit the appointment of counsel but only if the court finds reasonable grounds for a motion to be filed. The result is likely to be fewer appointments of counsel to assist with the motion and attendant proceedings, thus reducing the cost of legal counsel in capital offense cases. There may also be a slight positive impact if fewer DNA tests are ordered.

The bill could have a positive fiscal impact on local government by reducing instances for which legal counsel would be required.

Local Government Impact

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

Source Agencies: 211 Court Of Criminal Appeals, 212 Office Of Court Administration, Texas Judicial Council, 405 Department Of Public Safety, 696 Department Of Criminal Justice

LBB Staff: JK, WK, GG