

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: HB1734 by Gallego (Relating to representation of applicants for writs of habeas corpus in cases involving the death penalty.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1734, As Introduced: a negative impact of (\$338,292) through the biennium ending August 31, 2005.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$135,317)
2005	(\$202,975)
2006	(\$202,975)
2007	(\$202,975)
2008	(\$202,975)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$135,317)
2005	(\$202,975)
2006	(\$202,975)
2007	(\$202,975)
2008	(\$202,975)

The bill would amend the Code of Criminal Procedure relating to the representation of applicants for writs of habeas corpus involving the death penalty. The bill would provide for indigent defendants to request the convicting court provide two attorneys rather than one to represent the defendant in a writ of habeas corpus application. The bill would also raise the current cap on compensation for counsel in death penalty habeas corpus cases.

The bill would take effect September 1, 2003 and would apply to writs of habeas corpus filed on or after January 1, 2004.

Fiscal Analysis

The bill would raise the current cap on the reimbursement the state may pay a county for the compensation of counsel representing indigent defendants in death penalty cases from \$25,000 per

case to \$50,000 per case.

Methodology

In fiscal year 2002, the state paid a total of \$202,975 for such cases. This estimate assumes doubling the current cap would double the current costs in the amount of \$202,975 per fiscal year. Because the bill would apply to writs of habeas corpus in death penalty cases filed on or after January 1, 2004 this estimate assumes eight months of the new costs would be incurred in fiscal year 2004 in the amount of \$135,317.

The bill would also allow for more than one writ of habeas corpus to be filed in certain death penalty cases. This estimate assumes that any additional costs incurred by the state for such additional writs would be covered within the amounts indicated above.

Local Government Impact

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

Source Agencies: 211 Court Of Criminal Appeals

LBB Staff: JK, WK, VDS, TB