

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 25, 2003

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB727 by Staples (Relating to compensating counties for the cost of appointing attorneys to represent death row inmates in habeas corpus proceedings.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB727, As Introduced: a negative impact of (\$405,950) 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	(\$202,975)
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	(\$202,975)
2005	(\$202,975)
2006	(\$202,975)
2007	(\$202,975)
2008	(\$202,975)

Fiscal Analysis

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 raise the cap on compensation for counsel in death penalty habeas corpus cases from \$25,000 to \$50,000.

The bill would take effect September 1, 2003 only if the comptroller certifies on or before that date that at least \$2 million is appropriated by the General Appropriations Act, Acts of the 78th Legislature, Regular Session, 2003, for the fiscal biennium ending August 31, 2005, to the court of criminal appeals for the purpose of providing compensation and expenses to counsel in death penalty habeas corpus cases.

Methodology

In fiscal year 2002, the state paid a total of \$202,975 for death penalty counsel payments. This estimate assumes doubling the current cap would double the current costs in the amount of \$202,975 per fiscal year. This estimate does not include the \$2 million contingent appropriation to the Court of Criminal Appeals in Section 2 of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. To the extent that counties may be eligible for additional reimbursements up to \$50,000 per death penalty case under the bill, the fiscal implication of the possible savings is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

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