

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 12, 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 the payment of fees awarded to certain attorneys appointed by a court to represent indigent inmates in capital cases.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB727, Committee Report 1st House, Substituted: a negative impact of (\$100,000) 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2004	(\$50,000)
2005	(\$50,000)
2006	(\$50,000)
2007	(\$50,000)
2008	(\$50,000)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from GENERAL REVENUE FUND 1</b>
2004	(\$50,000)
2005	(\$50,000)
2006	(\$50,000)
2007	(\$50,000)
2008	(\$50,000)

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure relating to the payment of fees awarded certain attorneys appointed by a court to represent indigent inmates in capital cases. The bill would raise the cap on compensation for counsel in death penalty cases from \$25,000 to \$50,000.

The bill would take effect September 1, 2003.

## **Methodology**

The bill would require the Comptroller in the Comptroller's miscellaneous claims bill to compensate counsel up to \$50,000 in death penalty cases when the defendant is an inmate. According to the Special Prosecution Unit, one such case is pending in fiscal year 2003 and the Unit handled two such cases in fiscal year 2002. The current compensation for such cases is capped at \$25,000. Accordingly, this estimate assumes that two cases would qualify for the additional compensation in fiscal year 2004 and each fiscal year thereafter for a total cost of \$50,000 per year. (2 cases at \$25,000 extra compensation per case = \$50,000).

## **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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