

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

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

**April 24, 2003**

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

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1224** by Ellis, Rodney (Relating to representation of applicants for writs of habeas corpus in cases involving the death penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure relating to the procedures for appointing and compensating counsel in death penalty habeas corpus cases. The bill would require the Task Force on Indigent Defense to maintain a statewide list of attorneys competent to serve as counsel in death penalty habeas corpus cases. The requirement to maintain a list of attorneys competent to represent inmates in death penalty cases is anticipated to be of no significant fiscal implication.

In disputes over the reasonableness of attorney compensation, the bill would provide for the presiding judge of the administrative region in which the convicting court is located or a fee dispute committee to determine reasonable compensation. The bill would also allow for more than one writ of habeas corpus to be filed in certain death penalty habeas corpus cases. This estimate assumes that any additional costs incurred by the state for additional writs would be of no significant fiscal implication.

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

**Local Government Impact**

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

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

**LBB Staff:** JK, JO, WK, VDS, TB