

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 1

April 3, 2003

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

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.), **Committee Report 1st House, Substituted**

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 Texas Judicial Council to maintain a statewide list of attorneys competent to serve as counsel in death penalty habeas corpus cases. Based upon information from the Office of Court Administration, Texas Judicial Council, 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