

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

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 9, 2005**

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

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB680** by Duncan (Relating to the requirements for post-conviction DNA testing.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure as it relates to the requirements for post-conviction DNA testing. The bill would allow the convicting court, on the filing of a motion under chapter 64 of the Code of Criminal Procedure, to order post-conviction forensic DNA testing if the court finds the testing would be in the best interest of justice. The court would be allowed to order the test be conducted by the Department of Public Safety (DPS), a laboratory operating under contract with DPS, or a laboratory agreed to by the two parties.

The bill would apply only to a convicted person who on or after the effective date of the act submits a motion for forensic DNA testing.

The bill would take effect immediately if a two-thirds majority vote in both houses of the Legislature is received. Otherwise, the bill, would take effect on September 1, 2005.

**Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, WP, SJ