

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 5, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB681** by Hochberg (Relating to postconviction DNA testing.), **As Introduced**

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

The bill would amend Article 11.07 of the Code of Criminal Procedure relating to post conviction DNA testing. The bill would allow judges to order additional forensic testing to resolve controverted and previously unresolved facts in an applicant's writ of *habeas corpus*.

The bill would require the state to pay the cost of the testing unless the applicant had retained counsel for the purpose of filing an application under Article 11.07. The bill would allow the use of a testing laboratory other than Department of Public Safety for good cause and require the state pay for the tests. According to information received from the Texas County and District Attorney's Association and the Travis, Beaxar and Dallas County district attorneys' offices, approximately 25 additional DNA typing requests may be filed each year. To the extent the Department of Public Safety or other state-paid laboratories would incur costs for additional forensic testing, the fiscal implication to the State is not anticipated to be significant.

The bill would take effect September 1, 2007 and would apply only to writs filed on or after the effective date.

**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, 405 Department of Public Safety

**LBB Staff:** JOB, ES, ZS, TB, LG