

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

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

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

IN RE: HB681 by Hochberg (Relating to postconviction forensic testing.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend 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 add timelines to the appointment of counsel in DNA testing cases. 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, Bexar and Dallas County district attorneys' offices, approximately 25 additional DNA typing requests may be filed each year. To the extent the bill would amend court procedures regarding appointments and provide for additional testing, no significant fiscal implication to the State is anticipated.

The bill would take effect September 1, 2007.

Local Government Impact

Dallas County reports a cost of approximately one percent over the current budget for court-appointed attorneys, which would be \$50,000 in fiscal year 2008 and a larger amount in subsequent fiscal years.

Bexar County reports an additional \$50,100 in fiscal year 2008 for court-appointed attorneys, an amount that would rise to \$57,269 in fiscal year 2012 due to an estimated yearly increase of 3.4 percent in criminal justice cases.

Harris County reports a minimum of six additional staff will be needed at a total cost of \$240,333 in fiscal year 2008. More may be needed if the district attorney's office is unable to meet the 30-day requirement for testing, which is possible because tests may have to be ordered from a private laboratory instead of the laboratory at the Texas Department of Public Safety. The fiscal year costs will rise to \$843,468 in fiscal year 2012.

Tarrant County reports that implementing the provisions of the bill would have no measurable impact on the county's budget.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety

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