

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 4, 2007

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

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

IN RE: SB306 by Harris (Relating to the appointment of counsel to represent an indigent defendant in a capital case and to the reimbursement of certain expenses incurred by appointed counsel.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure regarding procedures for appointing legal counsel to an indigent defendant in a capital case. Unless the state files written notice that it will not be seeking the death penalty, a judge would be required to appoint a second attorney to the case the earlier of the date the state files written notice that it will seek the death penalty or the 90th day after the date on which the defendant is charged with a capital offense. If a second attorney has been appointed and the state files written notice that the state will not be seeking the death penalty, the judge may remove the second attorney; however, the second attorney would still be entitled to reasonable payment for services rendered.

The proposed changes in statute would apply only to a capital felony case that is filed on or after the effective date of the bill, which would be September 1, 2007.

Local Government Impact

The costs for compensating a second attorney would vary depending on the number of capital cases in which a second attorney is assigned, the number of cases in which the second attorney is removed, as well as how many billable hours the second attorney may accrue.

Source Agencies:

LBB Staff: JOB, ES, MN, DB