

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

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

**March 29, 2007**

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

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

**IN RE: SB499** by Duncan (Relating to postconviction DNA testing. ), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure relating to post-conviction DNA testing. The bill would add timelines to the appointment of counsel in DNA testing cases. To the extent the bill would amend court procedures regarding appointments, no significant fiscal implication to the State is anticipated.

The bill would take immediate effect if the bill receives two-thirds the vote of all members; otherwise, 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, 405 Department of Public Safety

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