

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB498 by McClendon (Relating to the creation of a commission to investigate and prevent wrongful convictions.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code, Chapter 71, to establish an advisory panel to assist the Task Force on Indigent Defense in conducting a study and preparing a report regarding the prevention of wrongful convictions.

The bill would also amend the Code of Criminal Procedure relating to procedures for applications for writs of habeas corpus based on relevant scientific evidence. The bill specifies that evidence to discredit scientific evidence presented at trial is among the types of claims or issues that can affect court consideration of an application for a writ of habeas corpus. To the extent the bill modifies claims that can be considered for writs of habeas corpus, the rules change is not anticipated to increase the workload of the court system.

The bill would also amend the Code of Criminal Procedure relating to post conviction forensic DNA analysis. The bill would require that upon completion of DNA testing the convicting court shall order any unidentified DNA profile to be compared with the DNA profiles in the CODIS DNA database established by the Federal Bureau of Investigation. To the extent the bill would require a new procedure, the rules change would not significantly increase the workload of the Department of Public Safety or the courts.

The bill would take effect September 1, 2009.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ESi, GG