

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 30, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB916** by Dutton (Relating to standards for judicial review of certain writs of habeas corpus in capital cases.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure relating to standards for judicial review of certain writs of habeas corpus in capital cases. The bill would change a standard for judicial review of certain writs of habeas corpus from clear and convincing evidence to a preponderance of the evidence. To the extent the bill would modify court procedures, no affect on judicial workloads or 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, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, ESi, TB