

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 1, 2009

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

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

IN RE: HB3584 by Gallego (Relating to the wrongful imprisonment of a person and to procedures for providing compensation for that imprisonment and for exonerating a wrongfully imprisoned person who is deceased.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code and the Code of Criminal Procedure relating to the wrongful imprisonment of a person and to procedures for providing compensation for that imprisonment and for exonerating a wrongfully imprisoned person who is deceased.

The bill would allow families of deceased exonerees to apply for compensation from the State for time spent imprisoned. Compensation payments to survivors would cease upon their death.

The bill would also establish procedures for applying for a posthumous pardon for actual innocence, for a posthumous expunction of the conviction, and for posthumous DNA testing. To the extent the bill would modify court procedures or result in additional compensation, no significant increase in judicial workloads or fiscal implication to the State is anticipated.

Local Government Impact

Current law permits a convicted person to file a motion for DNA forensic testing with the convicting court. The bill would permit a surviving spouse, child, or parent of a deceased defendant to file a motion for forensic DNA testing of evidence. The bill also would permit a surviving spouse, child, or parent who obtains a posthumous pardon for actual innocence to file a petition with the court for expunction of the records. The fiscal impact to local entities would vary depending on the number of motions filed for forensic DNA testing, and expunctions made by a defendant's survivors.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

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