

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 28, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1743 by Hinojosa (Relating to expanding the powers and duties of the office of capital writs and renaming the office of capital writs the Texas office of post-conviction defender.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1743, As Introduced: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from Fair Defense 5073	Change in Number of State Employees from FY 2015
2016	\$0	0.0
2017	\$0	0.0
2018	(\$187,952)	2.0
2019	(\$266,541)	3.0
2020	(\$264,041)	3.0

Fiscal Analysis

The bill would amend the Government Code to expand the powers and duties of the Office of Capital Writs (OCW) and to rename that office the Texas Office of Post-Conviction Defender (TOPCD). The duties of the OCW would be expanded beyond post-conviction matters in death

penalty cases to include habeas corpus and other post-conviction matters in cases involving certain scientific evidence that becomes available after a conviction (within the meaning of Code of Criminal Procedure, Sec. 11.073 provisions relating to certain scientific evidence). The new TOPCD would be authorized to consult with law school clinics and other experts to investigate the facts of a particular 11.073 case.

The bill would take effect September 1, 2015.

Methodology

For the purposes of this analysis, all costs in the table above from the General Revenue-Dedicated - Fair Defense Account No. 5073 would be associated with the OCW fulfilling the expanded duties as the TOPCD.

This analysis assumes the agency would establish procedures and a methodology for handling the scientific evidence cases during the 2016-17 biennium in addition to processing a small number of cases within the agency's existing resources. This analysis also assumes the agency would need full-time staff to manage additional cases that would be referred to the agency during the 2018-19 biennium. The agency would need to hire two attorneys in 2018 and an additional attorney in 2019. Salaries and benefits for the new staff would total \$168,662 in fiscal year 2018 and \$246,506 in fiscal year 2019 and each year thereafter. There would be additional expenses for professional services, travel, equipment and payroll contributions. There would be one-time equipment and furnishing costs of \$7,255 in fiscal year 2018 and \$2,500 in fiscal year 2019.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 215 Office of Capital Writs

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