

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 19, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB280 by Hinojosa (Relating to the composition and duties of the capital and forensic writs committee.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to modify the appointing authority and the composition of the Capital and Forensic Writs Committee and the duties of the committee. Under current law, all five members of the committee (three criminal defense lawyers with death penalty experience, one district judge, and one regional presiding judge) are appointed by the president of the State Bar of Texas with the ratification of the Bar's executive committee.

The bill would require the executive director of the Texas Indigent Defense Commission to appoint three attorneys, the president of the State Bar with executive committee ratification to appoint two attorneys, and the majority of the deans of the public law schools to appoint two attorneys. Under the bill's provisions, all of the appointees would serve 4 year terms, be eligible for reappointment, and would be required to be attorneys with capital defense or indigent criminal defense policy or practice experience and who are not prosecutors, judges presiding in criminal cases, law enforcement officials, or employees of the Office of Capital and Forensic Writs (OCFW). Under current law, the committee recommends to the Court of Criminal Appeals a director for the OCFW. The bill provides that the committee also set policy and develop a budget proposal for the office.

Based on the analysis of the Office of Court Administration and OCFW, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin, 215 Ofc of Capital and Forensic Writs

LBB Staff: JMc, DKN, BH