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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/07

SPONSOR Rep. King LAST UPDATED _____ HB 255

SHORT TITLE Death Penalty Case Contract Attorney Rates SB _____

ANALYST Ellie Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$800.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

The House Bill 255 adds a new section to the Public Defender Act providing that a contract negotiated by the department with an attorney for representation in a death penalty case shall provide attorney fee rates on the same basis as the attorney fee schedule set by the Risk Management Division of the General Services Department.

This bill provides \$800, 000 to pay contract attorneys of the Public Defender Department to represent indigent clients facing the death penalty.

FISCAL IMPLICATIONS

According to PDD, it is unclear whether this bill applies to existing death penalty prosecutions, future prosecutions or both. It is impossible for the department to assess what resources will be needed for future death penalty prosecutions or whether the amount appropriated in this bill will be adequate.

The appropriation of \$800.0 contained in this bill is a RECURRING expense to the GENERAL FUND. Any unexpended or unencumbered balance remaining at the end of FISCAL YEAR 2008 shall revert to the GENERAL FUND.

PERFORMANCE IMPLICATIONS

The department has stated that increased compensation would allow it to recruit and retain more competent and experienced attorneys. As a result, the department should receive fewer complaints than in past thus saving the department time in dealing with complaints. Moreover, more competent attorneys should be more capable of achieving acquittals for their clients in jury trials or negotiate good plea bargains in appropriate cases, eliminating the need for resources to be expended in the appellate and habeas phases of representation.

EO/mt:csc