

SUBJECT: Reimbursement for county expenses for capital murder cases

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Hinojosa, Keel, Talton, Kitchen, Martinez Fischer

0 nays

4 absent — Dunnam, Garcia, Green, Shields

WITNESSES: For — None

Against — None

On — Camille Cain, Office of the Governor

BACKGROUND: The Legislature appropriates funds to the Criminal Justice Division (CJD) of the Office of the Governor for distribution to counties that try capital murder cases. In spite of CJD's efforts to advertise this new law, only five counties applied for funding in fiscal 2000. Some attribute the lack of applications to the law being difficult to interpret and counties having a difficult time determining if they are eligible. According to the fiscal note, the Governor's Office has awarded only \$500,000 of the \$2.4 million available for fiscal 2000-01.

Code of Criminal Procedure, art. 104.004 makes counties eligible to apply for some of these funds if, during the preceding fiscal year:

- ! the county's total expenditures exceeded its total revenue and the county had expenses for the investigation or prosecution of capital murder; or
- ! the county's total revenue exceeded the county's total expenditures and the county had expenses for the investigation or prosecution of capital murder that exceeded five percent of the excess.

A county's reimbursement cannot exceed five percent of the difference between the county's total receipts and expenditures for the fiscal year. Each

fiscal year, at least 50 percent of the money distributed must go to counties with populations below 50,000, unless those counties applied for less than 50 percent of the money distributed. In this case, only the amounts applied for must be distributed. All money distributed under this article and its expenditure by a county is subject to audit by the state auditor.

DIGEST:

CSHB 2740 would strike subsections (b) and (c) of Code of Criminal Procedure, art. 104.004, which requires counties to determine their expenditures for a capital murder trial and total county revenue and expenditures and to submit such information to CJD. Counties no longer would be required to show eligibility for funding. The bill would allow CJD to distribute funds to a county for the reimbursement of expenses incurred for the investigation or prosecution of a capital murder during the preceding or current fiscal year from money appropriated by the Legislature for that purpose.

The bill would take effect on September 1, 2001, and would apply only to an application for reimbursement made by a county on or after that date.

NOTES:

HB 2740 as filed would have allowed reimbursement only for “extraordinary expenses incurred” by counties for the investigation or prosecution of capital murder cases.