

BILL ANALYSIS

Senate Research Center

H.B. 424
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Criminal Justice
5/6/1999
Committee Report (Amended)

DIGEST

Currently, a capital murder trial in Texas costs on average between \$200,000 and 300,000 to prosecute. In rural counties, a capital murder trial and the automatic appeal that a conviction triggers can put a significant strain on the county budget and perhaps even lead a county to seek a lesser charge against the defendant despite the prosecutor's belief that a charge of capital murder is warranted. H.B. 424 would distribute money to certain counties for the payment of extraordinary costs of prosecution.

PURPOSE

As proposed, H.B. 424 distributes money to certain counties for the payment of extraordinary costs of prosecution.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the criminal justice division of the governor's office in SECTION 1 (Section 104.004(f), Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 104, Code of Criminal Procedure, by adding Article 104.004, as follows:

Art.104.004. EXTRAORDINARY COSTS OF PROSECUTION. Authorizes the criminal justice division of the governor's office (division) to distribute money appropriated by the legislature for this purpose. Provides that a county is eligible to apply to the division for a distribution of money under this article if during the fiscal year certain conditions existed. Requires the commissioners court to submit with an application under Subsection (b) a financial statement of the county that shows certain items for the fiscal year. Sets forth requirements for the distribution of money. Authorizes the division to adopt a budget and rules for the distribution of money under this article. Provides that all money distributed to a county and its expenditure by the county are subject to audit by the state auditor.

SECTION 2. Authorizes a commissioners court of a county to apply to the criminal justice division of the governor's office for a distribution of money, as provided by Article 104.004, Code of Criminal Procedure, as added by this Act, on or after January 1, 2000.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Article 104.004, Code of Criminal Procedure, to authorize, rather than require, the division to distribute money appropriated by the legislature for this purpose, rather than as provided by this article from money appropriated by the legislature for that purpose. Authorizes, rather than require, the division to distribute a certain amount of money.