

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 16, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB64 by Dutton (Relating to abolishing the death penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend various codes as they relate to abolishing the death penalty. This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional agencies, programs, or workloads.

The Office of Court Administration indicates the bill would result in lower costs for state courts and some savings related to costs of indigent defense, appeals, and habeas corpus proceedings associated with death penalty trials. However, the amount of savings cannot be determined. In addition, the caseload for the Office of Capital Writs would not increase after the bill's enactment. The agency estimates that the office would be able to gradually complete its caseload over a four year period and that the pending caseload would be completed in fiscal year 2021. There would be a decrease in operational costs to the Office of Capital Writs associated with the agency working through this pending caseload during this time. However, any savings to General Revenue-Dedicated Fair Defense Account No. 5073 would be subsequently utilized by the Texas Indigent Defense Commission through the commission's estimated appropriation authority to the account for grants to counties to meet county costs associated with providing indigent defense services. Therefore, no savings to the state are anticipated.

Local Government Impact

According to the Office of Court Administration (OCA) the fiscal impact of the bill's provisions to local government cannot be determined. OCA indicates the bill's provisions would likely result in lower costs for state courts and savings in court time due to the elimination of the associated complex procedures. Additionally OCA indicates abolishing the death penalty would also result in some savings related to costs of indigent defense, appeals, and habeas corpus proceedings associated with death penalty trials.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice, 697 Board of Pardons and Paroles, 215
Office of Capital and Forensic Writs

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