

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 10, 2003

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB170 by Keel (Relating to compensation under the Crime Victims' Compensation Act for necessary costs incurred in witnessing an execution.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB170, As Introduced: an impact of \$0 through the biennium ending August 31, 2005, if the effective date of the bill is June 1, 2003; or an impact of \$0 through the biennium ending August 31, 2005, if the effective date of the bill is September 1, 2003.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The following table assumes an effective date of June 1, 2003.

All Funds, Six-Year Impact:

Fiscal Year	Probable (Cost) from <i>CRIME VICTIMS COMP ACCT</i> 469
2003	(\$6,180)
2004	(\$24,720)
2005	(\$24,720)
2006	(\$24,720)
2007	(\$24,720)
2008	(\$24,720)

The following table assumes an effective date of September 1, 2003.

Fiscal Year	Probable (Cost) from <i>CRIME VICTIMS COMP ACCT</i> 469
2004	(\$24,720)
2005	(\$24,720)
2006	(\$24,720)
2007	(\$24,720)
2008	(\$24,720)

Fiscal Analysis

The bill would allow travel payments for victim witnesses to an execution from the Compensation to Victims of Crime Fund based on when the travel occurred and not based on the date of the crime. Currently, travel to an execution can only be paid from the Compensation to Victims of Crime Fund if the offense occurred on or after September 1, 1997, since travel to an execution has been considered a post-conviction proceeding. The bill does not alter the definition of a claimant; therefore, travel

reimbursement would be restricted to the victim's dependents, family members, household members, and certain other individuals.

Methodology

There are 314 death row offenders who committed their crimes prior to September 1, 1997. The Office of the Attorney General estimates eighty percent (251 offenders) would be subject to execution and 200 of these offenders could be executed in the next five years for 40 executions per year. The Compensation to Victims of Crime Division at the Office of the Attorney General assumed there would be an average of three eligible claimants per execution. Based on travel cost rates from the State of Texas Travel Allowance Guide and assuming that witnesses will generally travel in one vehicle and stay in two rooms, the division estimated the average total reimbursement per execution to be \$618 resulting in an annual fiscal impact of approximately \$24,720 for 40 executions per year.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office Of The Attorney General, 696 Department Of Criminal Justice

LBB Staff: JK, WK, VDS, BL, KG