

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 30, 2003

TO: Honorable Kenny Marchant, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB357 by Dutton (Relating to the creation of a commission to study capital punishment in Texas and to a moratorium on executions.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB357, As Introduced: a negative impact of (\$237,245) through the biennium ending August 31, 2005.

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

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$154,857)
2005	(\$82,388)
2006	\$0
2007	\$0
2008	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2003
2004	(\$154,857)	2.0
2005	(\$82,388)	1.0
2006	\$0	0.0
2007	\$0	0.0
2008	\$0	0.0

Fiscal Analysis

The bill would create the Texas Capital Punishment Commission to study capital punishment in Texas. The study would concentrate on issues relating to the legal representation of inmates in capital cases, the certainty of the guilt of individuals convicted in capital cases, and the sufficiency of appellate review of convictions in capital cases. The commission would also propose legislation to correct any inequities in the capital punishment process in the State. The nine members of the Commission would not be entitled compensation but would be entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act. The Texas Legislative Council, the Legislative Budget Board, and the Criminal Justice Policy Council would assist the commission in its duties. The Commission would submit any proposed legislation related to its duties to the Lieutenant Governor and the Speaker of the House of Representatives not later than December 1, 2004. The governor shall make the appointments to the

commission as soon as possible after the effective date of the bill. The Commission would be abolished on January 1, 2005. The state would not execute an inmate on or after September 1, 2003 and before September 1, 2005. The bill would take effect September 1, 2003.

Methodology

Travel costs for the Texas Capital Punishment Commission have been estimated based on current travel costs for the Texas Board of Criminal Justice which has nine rather than eleven members. Travel costs for the Board are estimated at \$10,000 per year for six meetings or approximately \$185 per member per meeting. Assuming one meeting per month, the estimated travel costs for the Commission are \$24,420 in fiscal year 2004 and \$8,140 in fiscal year 2005.

Over the past four years, (1999-2002), there have been 125 executions in the state of Texas. The Texas Department of Criminal Justice (TDCJ) estimates that a moratorium on executions for the duration of the Commission will result in a need to house 31 additional inmates by the end of fiscal year 2004 and an additional 15 inmates by January 1, 2005. The cost of housing an additional inmate is \$40 per day; however, the cost associated with housing the additional offenders required by this bill are not considered to be significant in relation to TDCJ's total capacity of prison beds.

Although the legislation does not specify staff for the Commission, two full-time staff (2 FTEs) have been included in the cost estimate to facilitate the Commission's work. Since the Commission would be abolished on January 1, 2005, it is assumed that the positions would be filled for half of fiscal year 2005. The two positions would include one General Counsel, and one Legal Assistant. Salary costs are estimated at \$115,100 in fiscal year 2004 and \$61,410 in fiscal year 2005. Benefits at 28.46 percent of salary costs are estimated at \$32,757 in fiscal year 2004 and \$17,478 in fiscal year 2005. Travel costs are estimated at \$2,000 in fiscal year 2004 and \$1,000 in fiscal year 2005. Operating costs are estimated at \$5,000 in fiscal year 2004 and \$2,500 in fiscal year 2005. It is assumed that the three agencies directed to assist the commission would provide office space and cover other operational costs. Estimated costs for additional staff total \$154,857 in fiscal year 2004 and \$82,388 in fiscal year 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 103 Legislative Council, 301 Office of the Governor, 410 Criminal Justice Policy Council, 696 Department of Criminal Justice

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