

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 18, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB866 by Naishtat (Relating to the creation of a commission to study capital punishment in Texas.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB866, As Introduced: a negative impact of (\$346,369) 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	(\$261,064)
2005	(\$85,305)
2006	\$0
2007	\$0
2008	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2003
2004	(\$261,064)	3.0
2005	(\$85,305)	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, the ability of new technologies to increase that certainty, race as a factor in decision-making 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 eleven members of the Commission would be entitled to reimbursement for the member's travel expenses. The Texas Legislative Council, the Legislative Budget Board, and the Criminal Justice Policy Council would assist the commission in its duties. The Commission would be abolished and the article created by the bill would expire on January 1, 2005. The bill would take effect September 1, 2003.

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.

Methodology

Although the legislation does not specify staff for the Commission, three full-time staff (3 FTEs) have been included in the cost estimate to facilitate the Commission's work. The three positions would include one General Counsel, one Program Specialist, and one Legal Assistant. The positions would be terminated when the Commission is abolished on January 1, 2005 (equals 1 FTE for full fiscal year 2005). Salary costs are estimated at \$166,000 in fiscal year 2004 and \$59,096 in fiscal year 2005. Benefits at 28.46 percent of salary costs are estimated at \$47,244 in fiscal year 2004 and \$16,819 in fiscal year 2005. Travels costs are estimated at \$3,750 in fiscal year 2004 and \$1,250 in fiscal year 2005. In addition to the technology costs outlined below, \$3,525 are allocated for office furnishings in fiscal year 2004. 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 \$236,644 in fiscal year 2004 and \$77,165 in fiscal year 2005.

Technology

Estimated costs of \$16,125 for computer equipment, printers, LAN connections and programming to support additional staff.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 103 Legislative Council, 410 Criminal Justice Policy Council, 696 Department Of Criminal Justice

LBB Staff: JK, JO, WK, GG, VDS, AB, KG