

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 23, 2005

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

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB48 by Keel (Relating to disposal of an exhibit in a capital case.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by placing a restriction on the death penalty for a defendant who at the time of commission of a capital offense was a person with mental retardation. Provisions of the bill would specify the definition of mental retardation, the hearing process to determine whether the defendant was a person with mental retardation at the time of the offense, burden of proof, sentencing alternatives and appointment of disinterested experts. The Office of Court Administration anticipates no fiscal impact to the State from implementation of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. Because the bill would allow clerks to dispose of exhibits in certain capital cases, the resultant savings in storage space would result in some small positive impact on local government.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, GG, KJG