

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 25, 2005

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB60 by Lucio (Relating to the representation of certain defendants in capital cases and to the punishment for a capital felony or other felony punishable by a term of imprisonment exceeding 99 years.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Penal Code by adding life without parole as a sentencing option for offenders convicted of capital murder and eliminating the option of a life sentence under which the person can become eligible for parole in 40 years. The bill would also amend the Penal Code by increasing the minimum age at which a person cannot be punished by death from 17 years of age to 18 years of age.

Under current law and policy, the average time served in prison by persons likely to be affected by the provisions of this bill is greater than five years. Therefore, no significant impact on demands on the adult corrections agencies is anticipated during the first five years following passage.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 211 Court of Criminal Appeals

LBB Staff: JOB, KJG, GG