

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 28, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: SB544 by Shapleigh (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 SB544, As Introduced: a negative impact of (\$349,249) through the biennium ending August 31, 2007.

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
2006	(\$263,188)
2007	(\$86,061)
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2005
2006	(\$263,188)	3.0
2007	(\$86,061)	1.0
2008	\$0	0.0
2009	\$0	0.0
2010	\$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 indigent inmates in capital cases; identifying aspects of the capital punishment process that need improvement; and, establishing safeguards that ensure accurate procedures for investigations, prosecutions and appeals. 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 and the Legislative Budget Board would assist the commission in its duties. The commission would be abolished and the article created by the bill would expire on January 1, 2007. The bill would take effect September 1, 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, 2007 (equals 1 FTE for full fiscal year 2007). Salary costs are estimated at \$166,000 in fiscal year 2006 and \$59,096 in fiscal year 2007. Benefits at 29.74 percent of salary costs are estimated at \$49,368 in fiscal year 2006 and \$17,575 in fiscal year 2007. Travel costs for staff are estimated at \$3,750 in fiscal year 2006 and \$1,250 in fiscal year 2007. In addition to the technology costs outlined below, \$3,525 is allocated for office furnishings in fiscal year 2006. It is assumed that the two agencies directed to assist the commission would provide office space and cover other operational costs. Estimated costs for additional staff, excluding technology costs, total \$222,643 in fiscal year 2006 and \$77,921 in fiscal year 2007.

Travel costs for the Texas Capital Punishment Commission have been estimated based on current travel costs for the Texas Board of Criminal Justice. Travel costs for the board are estimated at \$185 per member per meeting. Assuming one meeting per month, the estimated travel costs for the Commission are \$24,420 in fiscal year 2006 and \$8,140 in fiscal year 2007.

Technology

Estimated costs are \$16,125 in fiscal year 2006 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, 733 Texas Tech University, 301 Office of the Governor, 720 The University of Texas System Administration, 410 Criminal Justice Policy Council, 696 Department of Criminal Justice

LBB Staff: JOB, KJG, VDS, GG