

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 14, 2005

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

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

IN RE: SB548 by Ellis (Relating to consideration by the Board of Pardons and Paroles regarding clemency matters.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would make several amendments to the Code of Criminal Procedure and the Government Code relating to clemency considerations by the Board of Pardons and Paroles. The bill would allow the Board of Pardons and Paroles to deliberate privately, but would require public announcement of individual members' decisions as to whether to recommend clemency following the meeting.

In capital cases, the bill would allow the Board to meet as a body, meet by telephone conference call, or meet by videoconference call. Regardless of the meeting type, the Board of Pardons and Paroles would be required to allow the attorney or other inmate representative and any person representing the victim's family to attend and make a presentation at the clemency hearing. The meeting must be conducted at the correctional facility where the inmate is housed, and the inmate shall be allowed to attend, unless security concerns dictate otherwise. The bill would take effect immediately if receiving a vote of two-thirds of all members elected to each house, or September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, KJG, VDS, AM