

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 18, 2005

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

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

IN RE: SB1033 by Ellis (Relating to the creation of a commission to investigate and prevent wrongful convictions.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1033, As Introduced: a negative impact of (\$497,846) 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	(\$258,748)
2007	(\$239,098)
2008	(\$239,098)
2009	(\$239,098)
2010	(\$239,098)

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	(\$258,748)	3.0
2007	(\$239,098)	3.0
2008	(\$239,098)	3.0
2009	(\$239,098)	3.0
2010	(\$239,098)	3.0

Fiscal Analysis

The bill would establish a Texas Innocence Commission to investigate and prevent wrongful convictions in Texas. The commission would be able to enter into contracts for research services necessary to complete the investigation of a particular case, including forensic testing and autopsies, and is required to compile a detailed annual report of its findings and recommendations. The report must be made available to the public on request. The nine members of the commission would not receive compensation, but would be entitled to reimbursement of travel expenses incurred while conducting official commission business. The Texas Legislative Council, the Legislative Budget Board, and the University of Texas at Austin would be required to assist the commission in performing the commission's duties. The commission would be a permanent governmental entity rather than a temporary investigative body. The bill would take effect September 1, 2005 and the appointments to the Texas Innocence Commission would be made not later than the 60th day after 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. Fiscal year costs are estimated as follows: \$166,000 for salaries; \$49,368 for benefits (29.74 percent of salary costs); and \$3,750 for staff travel. In addition to the technology costs outlined below, \$3,525 is allocated for office furnishings in fiscal year 2006. 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, excluding technology costs, total \$222,643 in fiscal year 2006 and \$219,118 for subsequent fiscal years. The commission may choose to use these funds to contract for research services.

Travel costs for the Texas Innocence 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 \$19,980 for each fiscal year.

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, 720 The University of Texas System Administration

LBB Staff: JOB, BT, VDS, GG, KJG