

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 6, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB297 by Dutton (Relating to the abolition of the death penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would repeal provisions of the Penal Code and Code of Criminal Procedure resulting in the abolishment of the death penalty and all capital felonies. The Office of Court Administration (OCA) states that the bill would result in lowered costs for state courts by decreasing demand on current judicial resources; however, the OCA does not compile statistics regarding the amount of judicial resources expended on death penalty cases, so the amount of savings cannot be determined. The Texas Department of Criminal Justice anticipates no significant fiscal impact from the bill.

Local Government Impact

The bill would amend the Code of Criminal Procedure to abolish the death penalty. The bill would reduce expenditures at the local level due to decreased costs for defense counsel in lengthy death penalty trials, reduced prosecutorial costs, and reduced court operating costs. The bill would take effect September 1, 2009.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

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