

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 8, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

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

IN RE: HB1149 by Thompson (Relating to hearings by the Board of Pardons and Paroles regarding clemency matters.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1149, As Introduced: a negative impact of (\$124,734) through the biennium ending August 31, 2011.
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General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$71,565)
2011	(\$53,169)
2012	(\$53,169)
2013	(\$53,169)
2014	(\$53,169)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$71,565)	1.0
2011	(\$53,169)	1.0
2012	(\$53,169)	1.0
2013	(\$53,169)	1.0
2014	(\$53,169)	1.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure by requiring for capital cases, that the members of the Board of Pardons and Paroles (BPP) shall perform clemency matters by meeting in person, by participating in a telephone conference, or a videoconference call, as provided by the Government Code. The bill would require that the attorney or person representing the offender and any person representing the family of the victim may appear in person, by telephone conference, or videoconference call, to make a presentation regarding the clemency matter. The board may limit the number of persons making a presentation which is not required to be made public. The bill would require that a hearing conducted in person be held at the correctional facility where the offender is housed. Also, the bill would allow the offender to be present, to participate in the telephone conference, or be present for the videoconference call, unless there is a security issue. The bill would allow the board to deliberate in private; however, the presiding officer would be required to announce publicly each member's clemency decision. Also, the bill would require that each member sign their name with written recommendations and reasons.

Methodology

The Board of Pardons and Paroles has indicated that the average number of clemency applications for capital cases during the previous two fiscal years is approximately 16, but anticipate the number to increase to 24 annually. From September 2008 through April 2009, there were no executions in Texas as a result of the national moratorium on executions, therefore the number of clemency applications could increase. The BPP would need one additional FTE (A15) to coordinate the clemency proceedings estimated to cost \$50,289 (\$39,114 + \$11,175 benefits). The BPP estimates the cost to hold a clemency meeting by telephone conference call to be approximately \$2,880 annually. Calculations are based on the assumption that each two-hour meeting would cost \$120 (120 minutes x .10 per minute) x 24 meetings at 10 sites (location of board members and officials).

The BPP indicates the need for additional videoconference sites. Costs associated for two additional sites are estimated to be \$18,396. TDCJ indicates that there are approximately 60 video conference sites across the state of which 31 of these sites are located at correctional facilities, including the Polunsky Unit that houses death row offenders. TDCJ states that video conference sites are available to BPP for their use.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, ESi, GG, SDO