

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 24, 2009**

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

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

**IN RE: HB1152** by Thompson ( Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure as it relates to the applicability of the death penalty to a capital offense committed by a person with mental retardation. The bill would permit a defendant in a capital case to request that the judge hold a pre-trial hearing to determine whether the defendant was a person with mental retardation at the time of the alleged offense. The bill would prohibit a person who is found to have been mentally retarded at the time of the offense (and who is convicted) from being punished with death. Such a defendant would be sentenced to life in prison without parole.

To the extent the bill would amend court procedures in capital cases; no significant affect on judicial workloads or offender populations is anticipated. Accordingly, no significant fiscal implication to the State is anticipated. The bill would take effect September 1, 2009.

**Local Government Impact**

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

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

**LBB Staff:** JOB, TB, ESi, ZS, GG