

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 30, 2009

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

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

IN RE: HB2371 by Vaught (Relating to the forfeiture of an inmate's good conduct time as a result of filing certain motions for forensic DNA testing.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and Code of Criminal Procedure by requiring the forfeiture of accrued good conduct time related to the request for forensic DNA testing conducted on behalf of an inmate the court finds frivolous. An inmate found to have engaged in this activity would forfeit 180 days of accrued good conduct time, if the inmate is serving a sentence for a felony of the third degree, 365 days accrued good conduct time, if the inmate is serving a sentence for a felony of the second degree, or all of the accrued good conduct time, if the inmate is serving a sentence for a first degree or capital felony. Under the provisions of this bill the Texas Department of Criminal Justice would not be able to restore good conduct time forfeited under this section.

The bill would take effect September 1, 2009 and apply only to a motion filed on or after the effective date of the Act.

The Texas Department of Criminal Justice anticipates no significant fiscal impact from the bill.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, LM