

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

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

**May 2, 2009**

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

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

**IN RE: SB839** by Hinojosa (Relating to the punishment for a capital felony committed by a juvenile whose case is transferred to criminal court.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Penal Code by adding life or life without parole as sentencing options for offenders convicted of capital murder if the case was transferred to the court under Section 54.02, Family Code. The bill would also require that prospective jurors be informed that life imprisonment or life imprisonment without parole is mandatory on the conviction of a capital felony for those cases transferred under Section 54.02, Family Code. The bill would also amend the Government Code allowing those individuals whose case was transferred under Section 54.02, Family Code to be eligible for parole release when time served equals 40 calendar years.

Under current law and policy, the average time served in prison by persons likely to be affected by the provisions of this bill is greater than five years. Therefore, no significant impact on demands on the adult corrections agencies is anticipated during the first five years following passage.

The bill would take effect September 1, 2009.

**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