

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 16, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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 Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code by adding life without parole as a sentencing option 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 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 and modify the parole eligibility for those who were found guilty as a party to the offense under Sections 7.01 or 7.02, Penal Code.

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.

This analysis assumes 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