

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 26, 2011**

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

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

**IN RE: HB855** by Dutton (Relating to the extent of a defendant's criminal responsibility for the conduct of a coconspirator in certain felony cases.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to prohibit a sentence of death for a defendant found guilty of a capital felony if found guilty through the criminal responsibility of another.

The bill would take effect on September 1, 2011 and apply to a criminal proceeding that begins on or after that date.

Both the Texas Department of Criminal Justice and the Office of Court Administration indicate they anticipate no significant fiscal impact as a result of complying with the provisions of the bill.

**Local Government Impact**

The costs of adjudicating two or more capital trials for two or more defendants rather than only one trial may have a fiscal implication for any particular jurisdiction. Because this estimate assumes such circumstances would be infrequent, no significant implication to units of local government statewide is anticipated.

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

**LBB Staff:** JOB, ESi, GG, LM