

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

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

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

IN RE: HB2159 by Coleman (Relating to the insanity defense in a criminal case.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Texas Penal Code and Code of Criminal Procedure regarding the insanity defense in a criminal case. The proposed amendments would include revising the language of Section 8.01 (a), Texas Penal Code, by providing that an affirmative defense to prosecution exists if, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his or her acts. Under bill provisions, a court would be required to instruct the jury of the consequences to the defendant if a verdict of not guilty by reason of insanity is returned and by providing the basic form of this instruction. To the extent the bill would amend court procedures relating to insanity defenses, no significant fiscal implication to the court system or the state is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ESi, TB