

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 10, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB166 by McClendon (Relating to the creation of a commission to investigate convictions after exoneration and to prevent wrongful convictions.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the code of Criminal Procedure by creating the Timothy Cole Exoneration Commission. The nine member commission, appointed by the Governor, would make thorough review or investigation of all cases in which innocent persons are convicted and exonerated. The bill would establish guidelines, requirements, and responsibilities for the commission and would subject the commission to review under the Texas Sunset Act. Under the provisions of the bill the commission would be required to conduct a public hearing at least once annually and be required to compile a detailed annual report of its findings and recommendations. The bill would also allow the commission to enter into contracts for research and professional services as necessary. The commission would submit the reports to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and to the Legislature not later than December 1 of each even-numbered year, or not later than the 60th day after the issuance of the report, whichever occurs first.

Under the provisions of the bill, members of the commission would receive no compensation for commission services but would be entitled to reimbursement by the commission for the member's actual and necessary expenses incurred in performing commission duties, subject to the availability of funds from General Revenue that may be appropriated to the commission by the state. The commission may apply for and accept gifts, grants and donations from organizations described in the bill and the commission shall be assisted by the Legislative Budget Board, the University of Texas at Austin, and any other state agency able to assist the commission. For this analysis it is assumed that the bill would not result in a significant fiscal impact to the State or in a significant increase on the workload or demand for resources and services of the agencies required to provide assistance.

Local Government Impact

No significant implications to local governments is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 720 The University of Texas System Administration

LBB Staff: UP, ESi, MW