

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 15, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2458** by Thompson, Senfronia (Relating to prohibiting seeking or imposing the death penalty on the basis of a person's race.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would add a new chapter to the Code of Criminal Procedure prohibiting an execution or the sentence of death under any judgment sought or obtained on the basis of race. The bill specifies the procedure for establishing proof of racial discrimination in such a case. The changes in law would apply to defendants alleged to have committed a capital offense regardless of whether the alleged offense was committed before, on, or after the bill's effective date. The bill would take effect September 1, 2013.

As of August 31, 2012, there were 282 individuals in Texas prisons with a sentence of death. The Texas Department of Criminal Justice anticipates no fiscal impact resulting from the bill, and this analysis assumes that the bill will have no significant impact to criminal justice populations.

The Office of Capital Writs does not anticipate any fiscal impact resulting from the bill. The Office of Court Administration (OCA) reports that because the bill adds a procedure for challenging the decision to seek or impose capital punishment that could involve studies, experts, witnesses, and other evidence, it may result in increased prosecution costs and defense costs (for indigent defendants) on both the state and local governments. OCA reports that it is impossible to determine whether the fiscal impact would be significant.

This analysis assumes the bill will result in additional costs to state and local government. However, because of the relative infrequency of the death penalty being sought and because there were only 282 offenders awaiting execution at the end of fiscal year 2012, this analysis also assumes the impact of the bill will not be significant and could be absorbed within existing resources by state and local governments.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 215 Office of Capital Writs, 696 Department of Criminal Justice

**LBB Staff:** UP, ESi, ZS, AM, JPo