

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 19, 2015

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

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

**IN RE: HB48** by McClendon (Relating to the creation of a commission to review convictions after exoneration and to prevent wrongful convictions.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB48, As Engrossed: a negative impact of (\$394,864) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$199,882)
2017	(\$194,982)
2018	(\$194,982)
2019	(\$194,982)
2020	(\$194,982)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$199,882)	1.5
2017	(\$194,982)	1.5
2018	(\$194,982)	1.5
2019	(\$194,982)	1.5
2020	(\$194,982)	1.5

Fiscal Analysis

The bill would amend the code of Criminal Procedure by creating the Timothy Cole Exoneration Review Commission. The bill would establish guidelines, requirements, and responsibilities for the commission which would be composed of nine members as required by the bill. The bill would authorize the commission to receive advice and guidance from an advisory panel and

would specify members of the panel. The bill would require the commission to issue a detailed annual report.

The bill would administratively attach the commission to the Office of Court Administration (OCA) and would allow the commission to hire a director and other staff to perform the duties of the commission. Under the provisions of the bill, the commission would be required to conduct a public hearing at least once annually and may hold meetings at times determined by the commission with the requirement that one meeting be held in Austin. The bill would authorize the commission to be reimbursed for travel expenses if appropriations are provided in the General Appropriations Act. The bill would allow the commission to apply for and accept gifts, grants and donations from organizations described in the bill and would authorize the commission to disburse sub-grants from grants received by the commission. The bill would also allow the commission to enter into contracts for research, analysis, and professional services as necessary. Subject to available funding, the bill would allow the commission to be assisted by the Legislative Budget Board, any state-supported university, and any other state agencies and officers.

The bill would require the commission to submit reports required by the bill to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Legislature, and to the Texas Judicial Council not later than December 1st of each even-numbered year, or not later than the 60th day after the issuance of the report, whichever occurs first.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2015.

### **Methodology**

Based on information provided by OCA, one director and part-time administrative assistant would be necessary to write reports, coordinate meetings, and provide other resources and support. Salaries for these positions would total \$108,000 with benefit costs of \$32,119 and additional operating costs of \$1,925 each year. OCA anticipates that computer and initial equipment costs for these positions would total \$4,900 in fiscal year 2016. Travel related costs are anticipated to be \$2,938 each year for four quarterly commission meetings lasting one day and two advisory panel meetings also lasting one day. In addition, OCA assumes that \$50,000 each year would be necessary to conduct extensive research where innocence projects do not have adequate resources to absorb the workload. For the purposes of this analysis, OCA assumes that costs associated with the director assisting with training opportunities could be absorbed within existing resources.

### **Technology**

This analysis assumes initial computer and software costs of \$6,325 in fiscal year 2016 with maintenance and operating costs of \$1,425 continuing each subsequent year through fiscal year 2020. Equipment includes one desktop computer, one laptop computer, associated software, and a printer.

### **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:** UP, AG, KJo, MW