

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATURE 1st CALLED SESSION - 2017

August 1, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB136 by Rose (Relating to the applicability of the death penalty to a capital offense committed by a person with severe mental illness.), **As Introduced**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Code of Criminal Procedure to prohibit imposition of the death penalty on a defendant who, at the time of the commission of the capital offense, had a severe mental illness. The bill establishes a definition for severe mental illness and creates procedures for a pre-trial hearing at which the defendant would have the opportunity to prove that he or she had a severe mental illness at the time of the offense with determination to be made by a jury or judge. The bill would outline sentencing alternatives for cases in which severe mental illness is found. Based on the analysis of the Office of Court Administration and the Texas Department of Criminal Justice, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

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

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

LBB Staff: UP, FR, GDz, JPo