86R632 JCG-D

By:  Canales H.B. No. 184

A BILL TO BE ENTITLED

AN ACT

relating to prosecutors providing information about the benefits and costs of a proposed sentence for a defendant in a criminal trial.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 37, Code of Criminal Procedure, is amended by adding Article 37.0701 to read as follows:

Art. 37.0701.  INFORMATION ON BENEFITS AND COSTS OF PROPOSED SENTENCE. (a) In the penalty phase of a trial, the attorney representing the state shall state on the record the attorney's reasoning for the terms of any sentence the attorney recommends, including the benefits and costs of the proposed sentence to the public and the total financial cost of the proposed sentence.

(b)  The attorney representing the state shall calculate the total financial cost of a proposed sentence by multiplying the number of days of the sentence by the cost per day of the sentence as provided by:

(1)  the most recent edition of the Criminal and Juvenile Justice Uniform Cost Report published by the Legislative Budget Board; or

(2)  the commissioners court of the prosecuting county, as required by Subsection (c).

(c)  The commissioners court of each county annually shall calculate for the preceding fiscal year the average cost per day of confining a prisoner convicted of an offense in that county and on request shall provide the most recently calculated cost per day to an attorney representing the state.

(d)  Any error in calculating the total financial cost of a proposed sentence under this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition.

SECTION 2.  The change in law made by this Act applies to a defendant sentenced for an offense on or after the effective date of this Act, regardless of when the offense was committed.

SECTION 3.  This Act takes effect September 1, 2019.