

By: Canales

H.B. No. 184

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prosecutors providing information about the benefits  
3 and costs of a proposed sentence for a defendant in a criminal  
4 trial.

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

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

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

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

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

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

23 (c) The commissioners court of each county annually shall  
24 calculate for the preceding fiscal year the average cost per day of

1 confining a prisoner convicted of an offense in that county and on  
2 request shall provide the most recently calculated cost per day to  
3 an attorney representing the state.

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

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

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