

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

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 17, 2021**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB77** by Toth (Relating to prohibiting the death penalty for a defendant whose conviction is based solely on certain evidence.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure to prohibit death penalty sentences in capital felony cases where the finding of guilt is based solely on the testimony of a single eyewitness without any corroborating evidence. Under current law, a death penalty sentence is permitted in capital felony cases where the finding of guilt is based solely on the testimony of a single eyewitness without any corroborating evidence. The bill's provisions would only apply to offenses committed on or after the effective date of the bill. An offense is committed before the effective date of the bill if any element of the offense occurred before the effective date.

Based on the analysis of the Office of Capital and Forensic Writs, convictions where the death penalty is imposed have mandatory post-conviction review, a process not included in convictions where the death penalty is not imposed. The agency estimates that a small but indeterminate amount of savings could result from fewer post-conviction reviews.

Based on the analysis of the Office of Court Administration and Department of Criminal Justice it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Admin, 215 Ofc of Capital and Forensic Writs, 696 Department of Criminal Justice

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