

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

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

**April 18, 2021**

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

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

**IN RE: HB140** by Rose (Relating to the applicability of the death penalty to a capital offense committed by a person with severe mental illness.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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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 would establish procedures for a defendant to have the opportunity to prove that he or she had a severe mental illness at the time of the offense and would require the jury to make the determination of severe mental illness at trial.

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.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Admin, 696 Department of Criminal Justice

**LBB Staff:** JMc, DKN, BH, WP, LBO, MW, DA, PBO, GDZ