

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 3, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3392 by Moody (Relating to the authority of a court to grant a commutation of punishment to certain individuals serving a term of imprisonment.), **As Introduced**

Reducing the sentence of incarcerated individuals is expected to result in fewer demands upon the correctional resources of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information on the number of incarcerated individuals who would be granted a commutation of punishment by the courts. This information is necessary to identify the number of individuals who would receive a reduction in their sentence, the amount of the sentence reduction, and the amount of time, if any, the individual would spend under parole supervision under the provisions of the bill.

The bill would amend the Code of Criminal Procedure as it relates to the authority of a court to grant commutation of punishment to certain individuals serving a term of imprisonment. Under the provisions of the bill, if the constitutional amendment is approved by voters, certain incarcerated individuals meeting the age, offense, and minimum time served requirements would be eligible to have a motion filed with the convicting court to reduce their sentence.

Allowing for eligible incarcerated individuals, at the discretion of the courts, to serve a shorter term of confinement is expected to result in fewer demands upon the correctional resources of the State due to a decrease in the length of stay individuals would be imprisoned in correctional facilities. As of August 31, 2020, 7,637 individuals incarcerated in the Texas Department of Criminal Justice would meet the age, minimum time served, and offense requirements as outlined in the bill. The bill may have a positive fiscal impact by decreasing the length of stay for those incarcerated within state correctional institutions. The number of individuals that would be released is indeterminate due to a lack of information on the number of cases for which the court would grant a commutation of punishment as outlined in the bill. According to the Office of Court Administration, the additional duties the bill would impose could be accomplished with existing resources. The Board of Pardons and Paroles does not anticipate a significant fiscal impact.

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, 697 Board of Pardons and Paroles

LBB Staff: JMc, DKN, LM, SPA