

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: HB3586 by Sherman, Sr. (Relating to the creation of the Texas Sentencing Commission and to the collection and analysis of certain criminal sentencing information.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3586, As Introduced : a negative impact of (\$1,355,089) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$699,557)
2023	(\$655,532)
2024	(\$656,025)
2025	(\$656,025)
2026	(\$673,050)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$699,557)	5.0
2023	(\$655,532)	5.0
2024	(\$656,025)	5.0
2025	(\$656,025)	5.0
2026	(\$673,050)	5.0

Fiscal Analysis

The bill would amend the Government Code to create the Texas Sentencing Commission. Under the bill's provisions, the Governor would appoint nine members to the commission as follows: three judges, two prosecuting attorneys, two public defenders, and advisory appointees each from the Senate and the House of Representatives.

The bill would permit the commission to employ an executive director, assistant executive director, two attorneys, and an intern. The bill would define the duties of the commission, require it to meet at least four times a year, and require it to submit a biennial report to the legislature not later than November 1 of each even-

numbered year detailing its legislative recommendations relating to sentencing in criminal cases.

The bill would require the Office of Court Administration (OCA) to make the sentencing standards and forms developed by the commission available to each trial court and publish them on its website. OCA would also be required to create a procedure for collecting the data reported from the courts and to provide technical and administrative support services to the commission.

The bill would take effect September 1, 2021.

Methodology

Costs reflected in the table above are based on the analysis provided by OCA.

For the purpose of this analysis, it is assumed that the commission would employ an executive director, assistant executive director, two attorneys, and an intern as permitted by the bill. Salary costs for these positions would total \$453,000 each fiscal year. Operating and payroll related benefit costs would total \$246,557 in fiscal year 2022; \$202,532 in fiscal year 2023; \$203,025 in fiscal year 2024; \$203,025 in fiscal year 2025; and \$220,050 in fiscal year 2026. For the purposes of this analysis, it is also assumed that the new commission would be located in existing OCA facilities.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, MW, BH