

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 3, 2023**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB909** 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**

Allowing for early termination of a sentence may result in fewer demands upon state correctional resources due to a possible decrease in the number of individuals serving a term of confinement. The fiscal implications of the bill cannot be determined due to a lack of data to estimate the number of motions that may be filed, the subsequent number of motions that may be granted, and the number of individuals that may be released.

The bill would establish judicial commutation procedures and authorize a court to grant a commutation of punishment to certain individuals serving a term of imprisonment. The bill's provisions would only apply to a person confined in the Texas Department of Criminal Justice (TDCJ) who is 50 years of age or older and has served at least 15 years of imprisonment for a felony offense, or who is 35 years of age or older but younger than 50 years and has served at least 20 years of imprisonment for a felony offense. The bill's provisions would not apply to an inmate who is serving a sentence for a capital felony, other than a life sentence for an offense committed when younger than 18 years of age; continuous sexual abuse of a young child or disabled individual; or aggravated sexual assault.

The bill would require certain data to be maintained by courts and state correctional facilities and annually submitted to the Office of Court Administration (OCA). The bill would require OCA to annually analyze and report on such data.

OCA anticipates that the additional duties can be accomplished with existing resources. The impact on state correctional populations and on the demand for state correctional resources would be dependent on the number of motions filed, the subsequent number of motions granted, and the number of individuals released. Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day for an adult incarcerated within a systemwide state correctional facility was \$77.49, which resulted in an annual cost of \$28,284 per individual.

The bill would be contingent on the passage of a constitutional amendment.

**Local Government Impact**

The fiscal impact to units of local government cannot be determined but would be dependent on the number of motions filed and the subsequent number of motions granted. OCA indicates that no significant fiscal impact is anticipated to units of local government associated with the data reporting by the courts.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

**LBB Staff:** JMc, DDel, LBO, MGol