

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 13, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1736 by Leach (Relating to the extent of a defendant's criminal responsibility for the conduct of a coconspirator in a capital murder case and the review of certain convictions by the Board of Pardons and Paroles.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would remove the applicability of certain current law establishing criminal responsibility for conduct of another from the prosecution of a capital murder offense. The bill would establish that a conspirator would be guilty under the law of parties of capital murder committed by a coconspirator in the attempt to carry out a conspiracy to commit another felony, though having no intent to commit the capital murder, only if the conspirator was a major participant in the conspiracy; in attempting to carry out the conspiracy, the conspirator acted with reckless indifference to human life; and the capital murder was committed in furtherance of the unlawful purpose of the conspiracy.

The bill would also require the Board of Pardons and Paroles, not later than January 1, 2024, to review the criminal conviction of each inmate who is serving a sentence of death after having been found guilty only as a party under current law to identify appropriate inmates to recommend to the governor for purposes of granting clemency.

The Office of Court Administration (OCA) indicates that no significant fiscal impact to the state court system is anticipated. The Comptroller of Public Accounts and the Board of Pardons and Paroles both indicate no fiscal impact is anticipated.

While the impact on state correctional populations or on the demand for state correctional resources cannot be determined due to a lack of data to identify the number of capital murder cases in which the individual was convicted as a party to the offense, it is assumed that any impact would not be significant.

Local Government Impact

According to OCA, there may be an impact to units of local government due to a reduction in the number of death penalty trials; however, no significant fiscal impact to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 697 Board of Pardons and Paroles

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