

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 26, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4518 by Cook (Relating to the authority of a court to grant a commutation of punishment to certain individuals serving a term of imprisonment and to victims' rights regarding a motion to grant a commutation.), **Committee Report 1st House, Substituted**

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 not apply to an individual who is serving a sentence for certain offenses not eligible for judge-ordered community supervision or for which there was an affirmative finding regarding the use or exhibition of a deadly weapon.

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 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.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, DDel, LBO, MGol