

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 13, 2025

TO: Honorable John T. Smithee, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3166 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**

Commutation of punishment for individuals serving a term of imprisonment may result in a decrease in demands upon state correctional resources due to a possible decrease in the lengths of stay for confined individuals or in the number of individuals confined. The fiscal implications of the bill cannot be determined due to unknown factors including the number of motions that would be filed, the dispositions of the courts, and the resulting number of individuals released.

The bill would allow courts, on motion of an attorney representing the state, to grant a commutation of punishment for an inmate serving a term of imprisonment provided the inmate is not serving a sentence for any offense which would preclude placement on community supervision and the judgement for the inmate did not contain certain affirmative findings relating to a deadly weapon or firearm. The bill would provide for a victim's right to be informed of certain commutation proceedings and to formally object.

The impact on state correctional populations and on the demand for state correctional resources would be dependent on the number of motions that would be filed, the dispositions of the courts, and the resulting number of individuals released. Based on the January 2025 Biennial Report on Adult Criminal Justice Populations, Fiscal Years 2018 to 2030, the fiscal year 2024 cost per day for an adult incarcerated within a systemwide state correctional facility was \$86.50.

The bill would be effective only upon voter approval of a constitutional amendment.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

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

LBB Staff: JMc, MGol, AMr, DGI