

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 21, 2003

TO: Honorable Ray Allen, Chair, House Committee on Corrections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2669 by Allen (Relating to mandatory controlled substance testing for certain persons who are arrested or have been confined for the commission of a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by requiring controlled substance testing for certain persons who are arrested or have been confined for the commission of a criminal offense. The Texas Department of Criminal Justice (TDCJ) would incur an estimated yearly cost of \$269,439 to test offenders received in the Institutional Division and offenders admitted to the State Jail Division, based on fiscal year 2002 intake records. The \$269,439 yearly cost estimate includes costs for confirming positive results and retesting 6 months later in accordance with TDCJ policy. For this analysis, it is assumed that any costs to the State resulting from the passage of this bill could be reasonably absorbed with current resources.

Local Government Impact

Costs to local law enforcement agencies to implement the provisions of the bill would depend on the number of offenders taken into custody and the cost of controlled substance testing. There would also be additional costs for personnel, either for overtime or for hiring more peace officers to supervise the testing of the offenders.

The Houston Police Department reported substantial costs to implement the bill. The department reported that it would have to test 46,000 prisoners per year. The cost to outsource the alcohol testing would be about \$23.00 per test, with the company providing the service on-site. The outsourcing of a "5 panel" drug screen is \$29.97 per test. The prices may decrease due to volume if the tests were outsourced. If the department performed the breathalyzer test, each test would take 20 minutes to complete. Assuming 15,333 labor hours to test at \$25.00 per hour, it would cost approximately \$383,325 per year. A report would have to be created and submitted, thus requiring one civilian employee per shift at approximately \$32,000 annually, including benefits, per employee. The equipment maintenance, supplies, and calibration would cost approximately \$7,200 per year. If the department performed all 46,000 breathalyzer tests in-house, the total annual cost would be: \$486,525. If all tests required were breathalyzer only and outsourced to a different company, the cost would be \$1,058,000 annually. If all tests were 5 panel drug screens the costs would be \$1,378,620 per year. (All drug screens would have to be outsourced.) Outsourcing all the drug and alcohol tests would cost between \$1,058,000 and \$1,378,620 per year.

Denton County reported that the bill would have a major negative fiscal impact on the sheriff's office budget. The office would have to hire additional staff, purchase capital equipment and supplies, and provide for extra court personnel.

The Fort Bend County Sheriff's Department reported that the bill would have a "huge impact" on the department's budget.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice
LBB Staff: JK, WK, VDS, GG, KG