

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 24, 2005**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB576** by Haggerty (Relating to restrictions on the use of stun guns; providing a penalty.),  
**As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB576, As Introduced: an impact of \$0 through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from STATE HIGHWAY FUND 6</b>	<b>Change in Number of State Employees from FY 2005</b>
2006	(\$862,244)	10.0
2007	(\$635,034)	10.0
2008	(\$635,977)	10.0
2009	(\$640,642)	10.0
2010	(\$641,813)	10.0

**Fiscal Analysis**

The bill would amend the Penal Code to make it an offense to intentionally or knowingly possess, manufacture, transport, repair, or sell a stun gun. The bill would provide a defense or exemption to certain individuals (holder of a concealed handgun license, a security officer registered with the Private Security Bureau of the Department of Public Safety (DPS), or a peace officer) from the offense, provided the individual is authorized by law to carry a weapon and engaged in the conduct after the successful completion of stun gun proficiency training to possess and use a stun gun.

The bill would require DPS to 1) establish minimum standards for stun gun proficiency, 2) establish minimum standards for the certification of stun gun instructors, and 3) develop and make widely available a course to teach and an examination to measure stun gun proficiency. The bill would require

DPS to charge a fee for stun gun training. The bill would not require an applicant for certification as a stun gun instructor to pay the fee.

With the exception of sections 1, 2, and 3, the bill would take effect September 1, 2005. Sections 1, 2, and 3 would be effective March 1, 2006.

### **Methodology**

The bill would require DPS to develop and make widely available a course to teach and an examination to measure stun gun proficiency. The bill would require DPS to charge a fee for stun gun training. Additional revenue from these fees are not included in this analysis since it would depend on the number of individuals requesting training by DPS and the amount of the fee.

It is estimated that an additional 10 Full-Time-Equivalent Positions (FTEs) would be needed at the Department of Public Safety to implement the provisions of the bill. The costs for these additional FTEs would be \$543,888 in fiscal year 2006, \$544,869 in fiscal year 2007, \$545,850 in fiscal year 2008, \$546,831 in fiscal year 2009, and \$547,812 in fiscal year 2010. These costs include salaries, benefits, and uniforms. DPS reports the costs for computers and enterprise agreements associated with these additional FTEs would be \$40,863 in fiscal year 2006, \$1,937 in fiscal year 2009, and \$1,937 in fiscal year 2010. DPS reports other operating costs associated with the additional FTEs would be \$277,943 in fiscal year 2006, \$90,165 in fiscal year 2007, \$90,127 in fiscal year 2008, \$91,874 in fiscal year 2009, and \$92,064 in fiscal year 2010. Other operating expenses include equipment, vehicle fuel and maintenance, and travel.

The total cost to comply with the provisions of the bill would be \$862,244 in fiscal year 2006, \$635,034 in fiscal year 2007, \$635,977 in fiscal year 2008, \$640,642 in fiscal year 2009, and \$641,813 in fiscal year 2010. The extent to which revenue from fees for the training will offset these costs will depend on the number of training participants and the amount of the training fee.

### **Technology**

The technology costs include \$40,863 in fiscal year 2006, \$1,937 in fiscal year 2009, and \$1,937 in fiscal year 2010.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated. To the extent that local peace officers participate in the training and the local law enforcement agency pays for the training, there would be additional costs.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

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