

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 12, 2005

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: HB1239 by Hodge (Relating to the implementation of unified drug enforcement strategies.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 362, Local Government Code; Chapter 411, Government Code; and Chapter 59, Code of Criminal Procedure.

A multicounty drug task force would be required to obtain from the Department of Public Safety (DPS) confirmation of meeting certain criteria before the task force could be established and operational. The task force and any county or municipality participating in the task force would be required to comply with policies and procedures established by DPS for the operation of a multicounty drug task force.

In addition to confirming a task force and developing task force policies and procedures, DPS would be required to evaluate each multicounty drug task force and semiannually submit a report on its evaluation to the governor's office and to the Legislative Budget Board.

Notwithstanding other provisions of Article 59.06, Code of Criminal Procedure, if a multicounty drug task force is not established in accordance with the requirements of the proposed statute, or if the task force or a participating county or municipality fail to comply with the policies and procedures established by the DPS, proceeds from any forfeited contraband seized by that task force shall be forwarded to the Comptroller of Public Accounts and deposited into the State Treasury to the credit of the General Revenue Fund. The Office of the Attorney General (OAG) would be required to ensure the enforcement of this requirement by filing any necessary legal proceedings in the county in which the contraband is forfeited or in Travis County

The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005. Provisions of the bill would apply only to property forfeited on or after the effective date.

The DPS estimates implementation of the bill would require some staff and operating expenses; however, it is assumed those costs could be absorbed using existing resources.

The value of forfeited property varies, and it is anticipated that the majority of multicounty drug task forces would comply with the proposed statutory requirements; therefore, no significant fiscal impact to the State Treasury is anticipated. In addition, it is assumed that any increase in responsibilities for the comptroller or the OAG could be absorbed using existing resources.

Local Government Impact

Although the proposed requirements would add to the operational and administrative costs of a multicounty drug task force, unless there is a lack of compliance and the task force is then required to forward proceeds to the comptroller that the task force would have otherwise been allowed to retain, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

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