

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 24, 2007

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

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

IN RE: HB442 by Phillips (Relating to taking or attempting to take a stun gun from a peace officer or certain other officers.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB442, As Passed 2nd House: a positive impact of \$6,020,550 through the biennium ending August 31, 2009.

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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$3,112,275
2009	\$2,908,275
2010	\$3,112,275
2011	\$2,908,275
2012	\$3,112,275

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/ (Loss) from GENERAL REVENUE FUND 1	Probable Savings/(Cost) from STATE HIGHWAY FUND 6	Change in Number of State Employees from FY 2007
2008	\$3,112,275	(\$1,646,399)	18.0
2009	\$2,908,275	(\$830,974)	18.0
2010	\$3,112,275	(\$978,286)	18.0
2011	\$2,908,275	(\$841,900)	18.0
2012	\$3,112,275	(\$1,018,138)	18.0

Fiscal Analysis

The bill would amend the Penal Code and Government Code relating to the taking or attempting to take a stun gun from a peace officer or certain other officers.

The bill would amend Penal Code, Section 38 by further defining the term "stun gun". The bill would amend Penal Code, Section 46 which defines when a defense to prosecution can exist relating to a stun gun and then provides exemptions to the revised section. The bill would add the offense of possessing, manufacturing, transporting, repairing, or selling a stun gun. The bill requires the Department of Public Safety (DPS) to establish a stun gun training proficiency class. The bill states DPS shall charge a fee for the training class.

The bill would also amend the Penal Code by changing the definition of the offense of taking or attempting to take weapon from peace officer, parole officer, or community supervision and corrections department officer to include employees or officials of correctional facilities operated by a county or municipality.

The bill states the rules of the training course must be adopted by November 1, 2007 and the changes to Penal Code, Sections 46.03 and 46.05 take effect March 1, 2008.

Methodology

DPS states that records or statistics indicating how many current concealed handgun license holders, private security officers, citizens, or any other group might be interested in owning a stun gun or applying for a stun gun license are not available. DPS' Regulatory Licensing Service used assumptions based on current handgun license holder statistics to determine license and revenue collection estimates. DPS estimates a total of 38,777 applications for stun gun licenses each year based on a combination of estimates for current and new concealed handgun license holders, current and new security officer licenses, and individual stun gun owners who would require a license. DPS assumes they would charge \$75 per license for stun gun application totaling \$2,908,275 in General Revenue each year ($\$75 \times 38,777$ stun gun applications). In addition, DPS assumes they would charge \$100 per license for stun gun instructor applications that are valid for two years totaling an additional \$204,000 in General Revenue every other year ($\$100 \times 2,040$ instructor applications). DPS estimates total annual revenue to be \$3,112,275 in General Revenue ($\$2,908,275 + \$204,000$) during fiscal years 2008, 2010 and 2012 allowing for instructor recertifications and total annual revenue without instructor recertifications is estimated to be \$2,908,275 in General Revenue for fiscal years 2009 and 2011.

This analysis assumes that an additional 18 FTEs per year would be required to implement the provisions of the bill, including: 2 commissioned officers (1 sergeant and 1 lieutenant) to staff the stun gun license training academy to educate both potential license holders and future license trainers and 16 support staff FTEs to process and archive application materials, input registration information into the database, and provide administrative and legal support to the officers and the agency. The cost estimate also includes the necessary police equipment (including state travel costs).

DPS estimates that additional office space would be required to accommodate the additional personnel. This analysis assumes estimated lease costs of \$75,582 per year, which is also included in the cost estimate. Other operating expenses such as maintenance and repair of office machines and computer equipment, computer supplies, non-capital computer equipment, and furniture and equipment, are also included in the cost estimate.

Regarding the provision of the bill changing the definition of the offense of taking or attempting to take weapon from peace officer, parole officer, or community supervision and corrections department officer, it is assumed that the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Technology

This analysis includes technology costs estimated for computers, printers, and enterprise software agreements totaling \$328,597 in 2008. Fiscal years 2009 through 2012 have a technology impact of \$2,682 per year for continued enterprise software agreements.

Local Government Impact

There would be costs to local law enforcement agencies to arrest, process, house, and prosecute the offenders of the newly established offense, depending on the number of offenders. However, some of these costs could be offset by fines and court costs collected from the offender.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: JOB, ES, LG, GG, KJG