

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 2, 2007**

**TO:** Honorable David Swinford, Chair, House Committee on State Affairs

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

**IN RE: HB2998** by Christian (Relating to the duty of a peace officer to verify the citizenship and immigration status of certain persons.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would add Article 2.251 to Chapter 2 of the Code of Criminal Procedure to require a peace officer to verify the citizenship and immigration status of any person who is placed under arrest or detained, including for an intoxication and alcoholic beverage offense. If the officer has probable cause to believe the person has committed a violation, the officer would be required to identify and report the person to the United States Citizenship and Immigration Services or arrest the person for the violation. The bill would render void any local ordinance, regulation, or policy that interferes with an officer carrying out the duties conferred by provisions of the bill.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Analysis by the Department of Public Safety indicates the agency could absorb costs associated with the bill within existing resources.

### **Local Government Impact**

The fiscal impact to municipalities and counties would vary depending on the number of persons an officer must report to the U.S. Citizenship and Immigration Services or arrest. Costs associated with implementing provisions of the bill would include added time for an officer to determine citizenship and immigration status, leading to an increase in staff, and increased use of county jails.

Harris County (U.S. 2000 census population of over 3.4 million) estimates an additional 225 persons would be arrested and held in county jail for 90 days at \$60 per day, for a total annual cost of slightly more than \$1.2 million in fiscal years 2008 and 2009; nearly \$1.3 million in fiscal years 2010 and 2011; and over \$1.3 million in fiscal year 2012. The estimate is based on the number of bookings for DWI offenses in fiscal year 2006 and that 15 percent of those persons were self-declared non-citizens.

The Travis County (population of 812,280) Sheriff's Office reports that if the City of Austin were to implement a policy of only notifying the U.S. government regarding suspect contacts, the impact would be insignificant. However, if the county assumes that if the city were to arrest most or all applicable suspects, the impact on county jail costs would be significant.

The City of Abilene (population of 115,930) Police Department estimates the department would need to add two additional officers, which including costs of one additional vehicle, would result in additional costs of \$164,000 in fiscal year 2008, dropping to \$126,000 in fiscal year 2009 and \$132,300 in fiscal year 2010; capital outlay again in fiscal year 2011 would bring annual costs up to \$172,915, and then \$145,860 in fiscal year 2012. The police department indicates that these costs are not significant in proportion to the department's overall budget.

**Source Agencies:** 405 Department of Public Safety

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