

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

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

**April 4, 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 immigration status of certain persons.), **As Introduced**

**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 immigration status of any person who is placed under arrest or detained, including for an intoxication and alcoholic beverage offense or an offense under the Transportation Code that is punishable by a fine only. 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 immigration status, leading to an increase in staff, and increased use of county jails. The impact to county jails could be significant.

Harris County (U.S. 2000 census population of over 3.4 million) estimates an additional 2,800 persons would be arrested and held in county jail for 90 days at \$60 per day, for a total annual cost of \$15.1 million in fiscal year 2008; \$15.4 million in fiscal year 2009; \$15.7 million in fiscal year 2010; \$16.0 million in fiscal year 2011; and \$16.4 million in fiscal year 2012. The estimate assumes 1 in 16 persons of 45,000 persons otherwise issued citations for driving offenses in fiscal year 2006 would have been arrested.

Dallas County (population of more than 2.2 million) estimates the county would have to hire three additional deputies, for an added annual cost of \$160,000 to enforce the requirements within the bill.

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 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 one additional officer per each of the department's six patrol shifts, which including costs of at

least three additional vehicles, would result in additional costs of \$492,000 in fiscal year 2008, dropping to \$378,000 in fiscal year 2009 and \$396,900 in fiscal year 2010; capital outlay again in fiscal year 2011 would bring annual costs up to \$555,345, and then \$437,582 in fiscal year 2012.

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

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