

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 15, 2007

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

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

IN RE: HB3641 by Turner (Relating to due process for certain law enforcement officers.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add Subchapter H to Chapter 614, Government Code, to establish the Law Enforcement Officers' Due Process Act regarding disciplinary proceedings for officers under the rank of major who are employed by a municipal police department, sheriff's office, or constable's office. Procedures required under the provisions of the bill would not supersede an existing meet and confer agreement or collective bargaining agreement of a municipality or county.

The proposed changes in law would apply only to an administrative investigation or a disciplinary hearing begun on or after the effective date of the bill, which would be September 1, 2007.

Local Government Impact

According to data provided by the Texas Municipal Police Association in November 2006, there are 62 municipalities in which Chapter 142, Local Government Code (meet and confer), has been adopted for police officers and 28 municipalities and 6 counties that have adopted Chapter 174, Local Government Code (collective bargaining) for police or sheriffs. Therefore, the bill would apply to the majority of municipal police departments, county sheriffs' offices, and constables' offices in the state.

For those law enforcement agencies in which meet and confer or collective bargaining agreements are in place, there would be no fiscal impact. For agencies without those agreements, the impact would depend on how similar or dissimilar current procedures may be to those proposed in the bill and the number of sworn officers employed by an agency; therefore, the impact could be insignificant for some agencies and significant for others.

One of the counties that does not have meet and confer or collective bargaining agreements is Harris County, the largest county in the state. The bill would apply to the Harris County Sheriff's Office and the eight constables' offices in the county. Harris County indicates that implementation would require extensive procedural changes. The county stated that notices, furnishing required documents, transcription of tapes, hours of operation, deadlines for completion of investigations, and the requirement for legal counsel during investigations would require additional staffing and equipment. The county anticipates that the sheriff's office would have to triple the number of staff in its internal affairs office, adding 16 officers and 4 clerks at a cost (staff, capital outlay, furnishings, supplies) of more than \$1.7 million in each of fiscal years 2008 and 2009, over \$1.8 million in fiscal years 2010 and 2011, and above \$1.9 million in fiscal year 2012. The constable's office does not have a full-time internal affairs office, but the county anticipates that the office would have to establish one to implement the bill, at an estimated significant (unstated) cost.

None of the smaller departments contacted submitted fiscal impact estimates; however, it is anticipated that each would incur some costs.

Source Agencies:

LBB Staff: JOB, ES, DB