

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 30, 2007

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: SB1740** by Shapiro (Relating to the prosecution of certain sexual offenses and to the registration and supervision of sex offenders.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1740, As Engrossed: an impact of \$0 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)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2008        | \$0  |
| 2009        | \$0  |
| 2010        | \$0  |
| 2011        | \$0  |
| 2012        | \$0  |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from<br>STATE HIGHWAY FUND<br>6 | Change in Number of State Employees<br>from FY 2007 |
|-------------|---|---|
| 2008        | (\$336,679)   | 5.0   |
| 2009        | (\$212,763)   | 5.0   |
| 2010        | (\$212,763)   | 5.0   |
| 2011        | (\$212,763)   | 5.0   |
| 2012        | (\$228,958)   | 5.0   |

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, the Education Code, and the Government Code relating to the prosecution of certain sex offenses and to the registration and supervision of sex offenders.

The bill would change the findings of fact in a case to include an actor that was not the parent or guardian of the victim or intended victim under 18 and the defendant was not more than three years older than the victim or intended. The bill would add an improper relationship between educator and student to the definition of a reportable conviction or adjudication for the sex offender registration program. The bill would specify what tier of offense is reportable as a sex offense and under what conditions. The bill would allow the Department of Public Safety (DPS) to exclude from the database of registered sex offenders the name of the educational facility in which that person is enrolled as a

student if the person was 18 years of age or older at the time the person committed the offense. The bill states DPS shall maintain an electronic mail notification service for administrators of any public or private primary or secondary school in the state. The bill specifies what data elements are needed in the sex offender database, what can be made public, and what the content of the sex offender website will be. The bill would change the time frames for sex offenders reporting from 10 days to 3 days and would specify the period of time an offender must register based on the tier of their conviction. The bill would also repeal the following sections of the Code of Criminal Procedure: 62.011(6), 62.052(c), and 62.054. The bill would take effect on September 1, 2007.

**Methodology**

Further analysis by the Department of Public Safety states that an additional 5 FTEs per year would be required to implement the provisions of the bill due to increased workload (2 public safety technicians, 2 administrative assistants, and one clerk) to process and archive application materials, input registration information into the database to notify the school districts, and provide administrative support to the agency. 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.

The Department of Criminal Justice, the Texas Education Agency, the Juvenile Probation Commission, the Youth Commission, and the Office of Court Administration anticipate that the bill would have no significant fiscal impact on their agencies.

**Technology**

This analysis includes technology costs estimated for computers, printers, and enterprise software agreements totaling \$42,468 in 2008. Fiscal years 2009 through 2012 have a technology impact of \$745 per year for continued enterprise software agreements.

**Local Government Impact**

The Houston Police Department estimated costs of \$692,880 in fiscal year 2008, mostly for salaries and academy training for six new officers. These costs would rise to \$793,233 in fiscal year 2012 due to rising salaries.

The Abilene Police Department, the El Paso Police Department, the Harris County Sheriff’s Office, and the Jefferson County Adult Probation office indicated no significant fiscal impact to their departments.

**Source Agencies:** 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 665 Juvenile Probation Commission, 694 Youth Commission, 696 Department of Criminal Justice, 701 Central Education Agency

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