

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 9, 2009

TO: Honorable Tommy Merritt, Chair, House Committee on Public Safety

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

IN RE: HB1164 by Martinez Fischer (Relating to restrictions on the use of a stun gun; providing certain criminal penalties and defenses to prosecution.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1164, As Introduced: a negative impact of (\$2,826,425) through the biennium ending August 31, 2011.

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
2010	(\$3,683,104)
2011	\$856,679
2012	\$963,132
2013	\$961,307
2014	\$961,947

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/ (Loss) from General Revenue Fund 1	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	\$1,969,470	(\$5,652,574)	16.0
2011	\$1,969,470	(\$1,112,791)	16.0
2012	\$1,969,470	(\$1,006,338)	16.0
2013	\$1,969,470	(\$1,008,163)	16.0
2014	\$1,969,470	(\$1,007,523)	16.0

Fiscal Analysis

The bill would amend Subchapter H-1 of Chapter 411, Government Code, to create a licensing scheme for the carrying of stun guns. It incorporates the procedures and eligibility criteria of the Concealed Handgun Statute and requires the creation and provision of training courses by the Department of Public Safety (DPS). In addition, it amends the Penal Code provisions related to the carrying and possession of firearms to both prohibit the unlicensed carrying of stun guns and to exempt from such prohibitions those who are licensed.

The bill requires that DPS establish a stun gun proficiency requirement and a system of certifying qualified selected peace officers employed by DPS as stun gun instructors. The requirement is substantially similar to the handgun proficiency requirement. The bill requires that DPS disclose the

licensing status of a named individual to a criminal justice agency or to an individual who provides a written request, and allows DPS to charge a reasonable fee of the latter for the service. Additionally, the bill allows for DPS to collect a fee for training license applicants.

Methodology

DPS states that there are no available records or statistics that would show how many current Concealed Handgun License (CHL) holders, citizens, or any other group might be interested in owning a stun gun or applying for a stun gun license. Regulatory Licensing Services (RLS), which includes the Concealed Handgun Licensing Bureau and Private Security Bureau, used assumptions based on current handgun license holder statistics to determine license and training revenue collection estimates. DPS assumes that it would receive a total of 24,930 applications for stun gun licenses each year based on estimates for current and new CHL holders and individual stun gun owners who would require a license. This analysis assumes that DPS would charge \$79 per license and training course. The agency states that it would collect fees in an amount estimated to make the bill revenue neutral. The LBB estimates that total annual revenue would be \$1,969,470 in General Revenue (\$79 x 24,930 stun gun license applications).

This analysis assumes that an additional 16 FTEs per year would be required to implement the provisions of the bill, including 1 sergeant to coordinate training and 15 support staff to process and archive application materials, input registration information into the database, and provide administrative and legal support. The cost estimate also includes the necessary equipment and travel costs.

DPS estimates that additional office space will be required to accommodate the additional personnel. This analysis assumes estimated lease costs of \$121,672 for each year of the biennium, 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 such as training supplies, and furniture are also included in the cost estimate.

The Department of Criminal Justice anticipates no significant fiscal impact to the agency.

Technology

This analysis includes technology costs estimated for computers, printers and enterprise software agreements totaling \$48,791 in fiscal year 2010, \$20,586 in fiscal years 2011, 2012 and 2014, and \$27,199 in fiscal year 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: JOB, ESi, GG, MWU