

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 30, 2009

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

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

IN RE: HB2160 by Turner, Sylvester (Relating to due process for certain law enforcement officers.),
As Introduced

No fiscal implication to the State is anticipated.

The bill would add Subchapter L 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, 2009.

Local Government Impact

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.

Harris County, for the sheriff's office and eight constables' offices, 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 \$1.8 million in each of fiscal years 2010 and 2011, over \$1.9 million in fiscal years 2012 and 2013, and above \$2 million in fiscal year 2014. 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.

Travis County Sheriff's Office and City of Abilene Police Department reported the provisions of the bill would create additional costs, but the costs would not be significant.

The El Paso Police Department, Waco Police Department, Johnson County Sheriff's Office, and Dallas County report there would be no fiscal impact for those entities.

Source Agencies:

LBB Staff: JOB, ESi, DB