

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 30, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB116** by Ellis (Relating to electronically recording certain interrogations and the admissibility of certain statements made by a juvenile or a criminal defendant.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for SB116, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.
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**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>State Highway Fund</i> 6
2010	(\$4,407,500)
2011	(\$200,000)
2012	(\$200,000)
2013	\$0
2014	\$0

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure and the Family Code to require law enforcement agencies to provide training on the technological aspects of electronically recorded interrogations to peace officers and other employees of law enforcement agencies who interrogate criminal defendants or suspects, including juveniles. The bill would require electronically recorded custodial interrogations to have either a warning from a magistrate or the rights of an accused accurately recorded. The bill would require the Department of Public Safety (DPS) to adopt rules for providing funds or electronic recording equipment to record such interrogations for all law enforcement agencies. The bill would also require these recorded interrogations to be preserved until the conviction is final, direct appeals are exhausted, or the time to file a writ of habeas corpus has expired or the prosecution of the offense is barred by law.

The bill would take effect September 1, 2009.

## **Methodology**

The bill would require these recorded interrogations to be preserved until the conviction is final, direct appeals are exhausted, or the time to file a writ of habeas corpus has expired or the prosecution of the offense is barred by law. This section of the bill is set to expire on September 1, 2012 which would be the beginning of state fiscal year 2013. This analysis assumes DPS would require an additional \$200,000 per year in State Highway Fund 6 from fiscal years 2010 to 2012 for rental storage fees for the recorded interrogations.

## **Technology**

DPS states the bill would require them to provide each active law enforcement agency with one piece of electronic recording equipment. DPS estimates the number of active law enforcement agencies within the State at 2,805 and the the estimated cost of the technology per agency at \$1500 each which would be \$4,207,500 (2,805 \* 1500) cost to State Highway Fund 6.

## **Local Government Impact**

The sheriff's office in Travis County, Nueces County, and Johnson County reported that the bill would have no fiscal impact on their agencies, generally because each entity already records the applicable interrogations. The City of Abilene Police Department, however, estimates, based on approximately 1,000 interrogations per year, that the department would incur costs of \$80,000 in fiscal year 2010 for capital outlay for two video interrogation hardware packages and for new operational costs. The costs in the subsequent two fiscal years would be \$63,000 to \$66,150 for operational costs, with another \$25,000 in capital outlay for replacements or upgrades in fiscal year 2013 added to the operational costs.

The fiscal impact to local law enforcement agencies would depend on whether an agency already provides training concerning the technological aspects of electronically recording interrogations and whether electronic recordings of interrogations are already implemented by the agency. Costs would also vary depending on the number of interrogations.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG, LG, DB