

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 2, 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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require, when practical, the recording of custodial interrogations of suspects in felony grade offenses including juveniles. 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 take effect September 1, 2009.

DPS states that most if not all police agencies currently have at least audio recording equipment that would meet the requirements of this bill; therefore they anticipate no significant fiscal impact to the agency.

Local Government Impact

There would be no fiscal impact to law enforcement agencies that already use audio or audio-visual recording of interrogations. It is assumed that an agency would purchase and use audio or audio-visual recording equipment if sufficient resources were available.

Source Agencies: 405 Department of Public Safety

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