

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: SB117 by Ellis (Relating to photograph and live lineup identification procedures in criminal cases.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would add Article 38.20 to Chapter 38, Code of Criminal Procedure, to require the Bill Blackwood Law Enforcement Institute at Sam Houston State University, in consultation with state and local law enforcement agencies, to develop, adopt, and disseminate to all state and local law enforcement agencies in the state a model policy and associated training materials regarding administration of photograph and live lineup identification procedures. Under provisions of the bill, each law enforcement agency in the state that conducts photograph or live lineup identification procedures must adopt a detailed written policy regarding administration of photograph and live lineup identification procedures that conform to requirements established by the Institute or the agency's own model policy that conforms to the requirements of the bill. The bill provides minimum requirements that must be included in identification procedures.

The Institute would be required to meet requirements of the bill by June 10, 2010, and law enforcement agencies would be required to meet requirements placed on them by September 1, 2010. However, the bill would apply to any photograph or live lineup identification procedure conducted on or after the effective date of the bill, which would be September 1, 2009.

Texas State University System has indicated that any costs associated with implementing provisions of the bill could be absorbed within existing resources.

Local Government Impact

Because the bill would affect only those law enforcement agencies that conduct photograph or live lineup identification procedures, an agency would incur costs only if current policies and procedures require modification to comply with requirements of the bill.

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

Source Agencies: 758 Texas State University System

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