

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 16, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: SB1120 by West (Relating to reports on racial profiling in connection with motor vehicle stops; providing a penalty.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1120, As Engrossed: an impact of \$0 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	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/ (Loss) from New General Revenue Dedicated - Civil Justice Data Repository	Probable Savings/(Cost) from New General Revenue Dedicated - Civil Justice Data Repository	Change in Number of State Employees from FY 2007
2010	\$121,394	(\$159,735)	2.0
2011	\$291,479	(\$143,735)	2.0
2012	\$292,146	(\$143,735)	2.0
2013	\$292,813	(\$143,735)	2.0
2014	\$293,480	(\$143,735)	2.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure and Government Code relating to reports on racial profiling in connection with motor vehicle stops.

The bill would amend the Code of Criminal Procedure, Article 2 and Government Code, Chapter 102 which amends the law prohibiting peace officers from engaging in racial profiling and requiring reports on motor vehicle traffic stops in which a citation is issued or an arrest is made. The bill requires the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to begin disciplinary procedures against the chief administrator of an agency that has intentionally failed to submit any of the statutory required reports. The bill would require each defendant convicted of a

moving violation in a justice court, county court, county court at law court, or municipal court to pay a fee of 10 cents as cost of courts. The bill states the 10 cent fee is to be deposited to the Civil Justice Data Repository fund by the Comptroller of Public Accounts to be used only by TCLEOSE to implement their duties under Occupations Code, Section 1701. The bill states that TCLEOSE in coordination with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the Texas Police Chiefs Association, and the W.W. Caruth, Jr., Police Institute at Dallas shall develop guidelines for submitting the incident-based data report. The bill would take effect on September 1, 2009. The bill would apply to motor vehicle stops occurring on or after January 1, 2010.

Methodology

The Comptroller of Public Accounts (CPA) indicates revenue estimates were based on historical data from county-level justice and municipal courts and were adjusted for growth, indigency, and implementation. The CPA reports the new court costs for criminal cases were multiplied by the total number of convictions, reduced to reflect the historical non-collection rates, and adjusted for an implementation lag. Based on these assumptions the revenue for the \$0.10 court cost would be \$121,394 in fiscal year 2010, \$291,479 in fiscal year 2011, \$292,146 in fiscal year 2012, \$292,813 in fiscal year 2013 and \$293,480 in fiscal year 2014.

The bill would create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. Therefore, the fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Based on the creation of a website that does not currently exist including an increased information resources workload including punitive action against non-compliant agency administrators, TCLEOSE states they would require two additional Program Specialist FTEs under the B11 salary group at a combined \$104,837 per year for a total of \$143,235 (including benefit costs and rent) each year.

The Department of Public Safety, the Office of Attorney General, the Texas State University System and the University of North Texas anticipate the bill would have no significant fiscal impact to their agencies.

Technology

TCLEOSE includes technology costs estimated for the creation and maintenance of the website totaling \$16,500 in 2010 and \$500 in 2011 through 2014 for annual website operating costs.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education, 752 University of North Texas, 758 Texas State University System
LBB Staff: JOB, ESi, GG, TP, DB