

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

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

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

IN RE: HB215 by Gallego (Relating to photograph and live lineup identification procedures in criminal cases.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require law enforcement agencies, who employ peace officers who conduct photograph or live line-up identification procedures in the routine performance of the officer's duties, to adopt a detailed written policy regarding the administration of photograph and live lineup identification procedures. Under provisions of the bill, the Bill Blackwood Law Enforcement Management Institute of Texas (located at Sam Houston State University) would be required, with the advice and assistance of large, medium, and small law enforcement agencies, law enforcement associations, scientific experts in eyewitness memory, and appropriate organizations engaged in the development of law enforcement policy to develop and disseminate to all law enforcement agencies in the state a model policy and associated training materials regarding the administration of photograph and live lineup identification procedures. The Institute would be required to provide for a period of public comment before adopting the policy. The bill includes requirements for the model policy, deadlines for when the model policy would be disseminated, December 31, 2011, and when law enforcement agencies would be required to adopt the policy, September 1, 2012. The Bill Blackwood Law Enforcement Institute would be required to complete a review of the model policy not later than December 31st of each odd-numbered year. Any costs associated with implementing provisions of the bill would be implemented 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: 405 Department of Public Safety, 758 Texas State University System

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