

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 28, 2011

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

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

IN RE: HB219 by Gallego (Relating to the electronic recording and admissibility of certain custodial interrogations.), **Committee Report 1st House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require the recording of a custodial interrogation of a criminal suspect by any law enforcement agency of the state, county, municipality, or other political subdivision. The bill would provide exceptions to a recording if deemed infeasible as defined by the provisions. A law enforcement agency would be required to preserve an electronic recording until a specified time.

The bill also would require the attorney representing the state to provide a copy of the recording to a defendant not later than the 60th day prior to a trial. A recording or absence of a recording could be admissible evidence in a trial. Evidence of a pause in the recording would not be admissible based solely on the existence of the pause.

The Department of Public Safety (DPS) reported that there would be no fiscal impact to the agency to implement the provisions of the bill.

Local Government Impact

There could be a significant negative fiscal impact to local law enforcement agencies that do not currently own electronic audio or audio-visual recording equipment for interrogations. Costs would include purchasing recording equipment and related computer hardware and software; administrative costs for storing and retrieving video files; and records retention; however, these costs would vary depending on the size of the local government, the number of applicable cases, and the extent to which recording equipment and processes are currently used.

There would be no fiscal impact to law enforcement agencies that currently own audio or audio-visual recording of interrogations.

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

LBB Staff: JOB, ESi, TP