

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**February 18, 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.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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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 would also 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.

The Department of Public Safety (DPS) reported 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 equipment for interrogations.

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

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