

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 12, 2011

TO: Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

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

IN RE: HB1377 by Taylor, Van (Relating to the authority of peace officers to request fingerprints during motor vehicle stops.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a peace officer that stops the driver of a motor vehicle to request and obtain a digital thumbprint from the driver if the driver fails to provide a driver's license, commercial driver's license, a United States passport or other form of photo identification issued by a governmental entity.

A digital thumbprint could be retained by the peace officer or law enforcement agency after the date of the vehicle stop only if the person is cited or arrested for an offense during or as a result of the stop, but would require it to be discarded upon proof that the charge was dismissed, the person was acquitted or convicted of an offense punishable only by a fine. The bill would require a court to notify each entity that maintains a digital thumbprint of a disposition of the defendant's case.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2011.

Local Government Impact

There could be a fiscal impact to a law enforcement agency that chose to request and maintain a digital thumbprint of a driver stopped for an offense that failed to provide proper proof of identification; however, those costs would vary depending on the number of driver's stopped and thumbprints taken, and whether a system was currently being utilized. It is assumed that a law enforcement agency would only take digital thumbprints if a system was currently available or costs could be absorbed within existing resources; therefore, no significant fiscal implication is anticipated.

The City Houston Police Department reported the costs would be an estimated \$40,000, but the amounts are not anticipated to be significant. The city's current fiscal year budget for the affected department is \$660,924,629.

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

LBB Staff: JOB, ESi, TP, TB