

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 23, 2011

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

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

IN RE: HB1457 by Fletcher (Relating to interception of wire, oral, or electronic communications for law enforcement purposes.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a sheriff's department in a county with a population of 3.3 million or more or a police department in a municipality with a population of 500,000 or more to engage in the interception of a wire, oral or electronic communication pursuant to current guidelines governing such practices.

The bill would provide for an application process to the Department of Public Safety (DPS) for a local law enforcement entity interested in engaging in these practices. DPS would have the authority to audit a designated law enforcement agency to ensure compliance with monitoring guidelines. Any peace officer engaged in operating or monitoring the interception of a wire, oral or electronic communication would be required to complete training regarding interception of communications.

The bill would clarify several definitions in Article 18.20 including the initial period of interception and who qualifies as a prosecutor or director.

This analysis assumes the Department of Public Safety could implement the provisions of the bill within existing appropriations.

The bill would take effect September 1, 2011.

Local Government Impact

There could be costs associated with starting a system and training peace officers relating to the interception of a wire, oral or electronic communication. It is assumed that an applicable municipality or county would implement the system only if there were sufficient resources available or the net fiscal impact would be positive.

According to the Houston Police Department (HPD), any costs associated with implementing the provisions of the bill could be absorbed using existing resources. HPD indicated the use of intercepts could result in significant savings in manpower and resources. HPD also believes the use of intercepts could greatly aid in dismantling major criminal organizations, and that seized assets from these organizations could offset much of the operating expenses of an intercept program.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

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