

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

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

IN RE: HB2624 by Sheffield (Relating to procedures applicable in circumstances involving family violence or other criminal conduct and military personnel.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 85.042 of the Family Code to require the clerk of the court issuing an original or modified protective order involving a member of the state military forces or is serving in the armed forces of the United States (U.S.) in an active-duty status to provide a copy of the protective order to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation that the respondent is assigned.

The bill would amend the Code of Criminal Procedure to require a peace officer that investigates a family violence incident or responds to a disturbance call that may involve family violence to make a written report with certain information including whether the suspect is a member of the military forces as described by Subsection (a). The peace officer would be required to provide written notice of the incident or disturbance call to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation that the respondent is assigned.

If an offense constitutes family violence or an offense under Title 5 of the Penal Code and the defendant is a member of the state military forces or is serving in the armed forces of the U.S. in an active-duty status, the court clerk in which a conviction or deferred adjudication is entered would be required to provide a written notice to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation that the defendant is assigned.

The bill would require each presentence investigation to include information regarding whether the defendant is a current or former member of the state military forces or is currently serving or has previously served in the armed forces of the U.S. in an active-duty status, and must additionally determine whether the defendant was deployed to a combat zone and whether the defendant may suffer from post-traumatic stress disorder or a traumatic brain injury. A copy of the defendant's military discharge papers and military records would be required to be included in the investigation report, if available.

The Adjutant General's Department (department) estimates there would be a significant increase in call volume to verify membership, both past and present. This analysis assumes the department could implement the provisions of the bill within existing appropriations.

According to the Office of Court Administration (OCA), the orders will be infrequent enough that the new reporting requirement will not significantly increase the workload of the clerks; therefore, no significant fiscal impact is anticipated at either the state or local level.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KM, TP, JB