

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

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

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

IN RE: HB3324 by McClendon (Relating to intelligence data standards and protected personal information.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3324, As Introduced: a negative impact of (\$1,427,992) through the biennium ending August 31, 2013.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$751,950)
2013	(\$676,042)
2014	(\$676,042)
2015	(\$676,042)
2016	(\$676,042)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1
2012	(\$751,950)
2013	(\$676,042)
2014	(\$676,042)
2015	(\$676,042)
2016	(\$676,042)

Fiscal Year	Change in Number of State Employees from FY 2011
2012	6.0
2013	6.0
2014	6.0
2015	6.0
2016	6.0

Fiscal Analysis

The bill would amend the Government Code to provide guidelines for the collection, storage, and dissemination of intelligence data by law enforcement or criminal justice agencies and criminal intelligence systems, as defined by the bill. The bill would require the Office of Attorney General (OAG) to provide oversight of the intelligence data and privacy protection functions of criminal

intelligence systems in the state. The bill would take effect immediately upon a two-thirds vote of all the members in each house. Otherwise, the bill would take effect September 1, 2011.

Methodology

The Office of the Attorney General indicates that it would require 6 additional staff to implement provisions of the bill totaling \$443,501 out of General Revenue each fiscal year for salaries. Benefit costs associated with those additional FTEs would total \$123,559 each fiscal year out of General Revenue. In addition, the agency indicates that it would require \$100,000 in fiscal year 2012 and \$65,000 each remaining fiscal year out of General Revenue for technology related equipment and software. Operating expenses would total \$66,690 in fiscal year 2012 and \$25,782 each remaining fiscal year out of General Revenue. Travel expenses would total \$18,200 each fiscal year out of General Revenue.

The Department of Public Safety (DPS) indicates the bill's definition of "criminal intelligence system" could include any database and accompanying equipment and facilities maintained by DPS, including criminal history information, emergency management, driver's license, private security, crime lab, and criminal and traffic enforcement databases. To ensure compliance with the bill's requirements, DPS would have to review the policies and procedures of every database. Additionally, DPS indicates the bill's restrictions regarding the maintenance of certain noncriminal information would inhibit the functions and purpose of several areas of DPS including driver's licenses, private security, concealed handgun registration, controlled substance registration, and commercial vehicle enforcement. Due to the issues listed above, DPS indicates the level and scope of the costs associated with the bill's provisions cannot be determined.

Technology

the OAG indicates that it would require \$100,000 in fiscal year 2012 and \$65,000 each remaining fiscal year out of General Revenue for technology related equipment and software.

Local Government Impact

The bill would provide guidelines for local law enforcement's collection of and access to personal information when utilizing criminal intelligence systems. This could lead to some costs and additional administrative burden. Costs would depend on specific policies adopted by law enforcement, as well as the policies a local law enforcement agency currently has in place; however fiscal impact on local governments is not anticipated to be significant.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JOB, ESi, GG