

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

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

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

IN RE: SB9 by Williams (Relating to homeland security; providing penalties.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB9, Committee Report 2nd House, Substituted: a negative impact of (\$1,388,546) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$740,856)
2013	(\$647,690)
2014	(\$647,690)
2015	(\$658,379)
2016	(\$647,690)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>Texas Mobility Fund</i> 365	Probable (Cost) from <i>General Revenue Fund</i> 1
2012	\$0	(\$740,856)
2013	\$1,432,595	(\$647,690)
2014	\$1,461,247	(\$647,690)
2015	\$1,490,467	(\$658,379)
2016	\$1,520,278	(\$647,690)

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 Code of Criminal Procedure to require a law enforcement agency with custody of a person to verify the immigration status of persons by use of the federal Secure Communities program.

The bill would amend the Code of Criminal Procedure, Government Code, Transportation Code, and Penal Code as they relate to penalties for engaging in organized criminal activity, directing activities of criminal street gangs, and evading arrest or detention.

The bill would amend the Penal Code to create the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device. Under the provisions of the bill, intentionally or knowingly possessing, manufacturing, transporting, repairing or selling a tire deflation device would be punishable as a state jail felony.

The bill would amend the Government Code to exempt Department of Public Safety (DPS) construction projects from oversight of the Texas Facilities Commission (TFC).

The bill would amend the Transportation Code to establish expiration dates for driver's licenses issued to people who are not citizens, nationals, or legal permanent residents of the United States or a refugee or asylee lawfully admitted into the United States. The bill also would establish fee amounts for various issuances of the license or personal identification certificate issued to applicants who are not citizens of the United States.

The bill would amend the Code of Criminal Procedure to require attorneys representing the state to enter into certain agreements with DPS regarding the transfer or proceeds from the sale of certain forfeited property. The bill would require 40 percent of the proceeds to be allocated to a special fund in DPS to be used solely for law enforcement purposes, 30 percent to a special fund in the county treasury for use of the attorney representing the state, and 30 percent to the general revenue fund.

The bill would amend the Government Code to permit the DPS to establish vehicle checkpoints near the Texas-Mexico border to prevent the unlawful transfer of certain items from Texas to Mexico. The bill would provide certain guidelines related to the checkpoints. The bill would take effect immediately upon a two-thirds vote of all the members of each house. The statute amended by the bill would revert back to its current status on September 1, 2015.

The bill would take effect September 1, 2011.

Methodology

Expanding the list of behaviors for which a penalty is applied for any criminal offense or increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail or prison. In the case of the bill, the impact on correctional populations would depend on how many persons would be prosecuted under the provisions of the bill, and the extent to which punishment would be enhanced under the proposed statute compared to existing statute. For this analysis it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

DPS indicates they will require six additional staff to take over construction project management from TFC at a cost to the General Revenue fund of \$704,856 in fiscal year (FY) 2012, \$647,690 in FY 2013, \$647,690 in FY 2014, \$658,379 in FY 2015, and \$647,690 in FY 2016. These estimates include all other costs associated with the additional staff. This analysis assumes all current projects TFC manages for DPS would continue until finished and the bill would apply only to projects following enactment. TFC would experience an indeterminate loss of Interagency Contract Revenue depending on the amount and scope of future DPS projects, but the loss would be offset by an equal amount of savings by the removal of the projects from TFC's oversight. Additionally, TFC would not realize significant additional savings or reduced staff by exempting DPS from their construction project

oversight because TFC staff manage multiple projects among most state agencies and the removal of DPS projects would not have a significant effect on overall TFC workloads.

The provisions of the bill related to expiration dates and fee amounts for driver's licenses or personal identification certificates issued to applicants who are not citizens of the United States would result in a revenue gain to the Texas Mobility Fund. The CPA indicates the impact on revenue cannot be determined, but DPS estimates a gain to the Texas Mobility Fund of \$1,432,595 in FY 2013, \$1,461,247 in FY 2014, \$1,490,467 in FY 2014, and \$1,520,278 in FY 2015.

The Comptroller of Public Accounts (CPA) indicates the revenue implications from the transfer or proceeds from the sale of certain forfeited property cannot be determined.

The fiscal impact of the provisions of the bill related to checkpoints cannot be determined, due to the unknown extent of the applicable checkpoints the bill would permit. DPS indicates the operation of 24/7/365 checkpoints at international bridges and mobile checkpoints would have an extensive, significant fiscal impact. It is assumed temporary or selective checkpoints would have a reduced fiscal impact from the 24/7/365 model, but the extent to which these checkpoints would be deployed and their associated costs are unknown.

This analysis assumes all other provisions of the bill could be implemented within existing resources.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 303 Facilities Commission, 320 Texas Workforce Commission, 405 Department of Public Safety, 551 Department of Agriculture, 304 Comptroller of Public Accounts, 454 Department of Insurance, 696 Department of Criminal Justice

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