

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 26, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

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

**IN RE: SB9** by Williams (Relating to homeland security, providing penalties.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB9, Committee Report 1st House, Substituted: a positive impact of \$37,029,000 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	\$18,287,000
2013	\$18,742,000
2014	\$19,196,000
2015	\$19,650,000
2016	\$20,105,000

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>State Highway Fund</i> 6	Probable Revenue Gain from <i>New General Revenue Dedicated - Driver's License System Improvement Account</i>	Probable Revenue Gain from <i>Texas Mobility Fund</i> 365	Probable Revenue Gain from <i>General Revenue Fund</i> 1
2012	(\$1,809,727)	\$67,996,011	\$0	\$18,287,000
2013	(\$929,398)	\$67,996,011	\$1,432,595	\$18,742,000
2014	(\$877,398)	\$67,996,011	\$1,461,247	\$19,196,000
2015	(\$907,514)	\$67,996,011	\$1,490,467	\$19,650,000
2016	(\$877,398)	\$67,996,011	\$1,520,278	\$20,105,000

Fiscal Year	Change in Number of State Employees from FY 2011
2012	15.0
2013	15.0
2014	15.0
2015	15.0
2016	15.0

## **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 and notify United States Immigration and Customs Enforcement if the person's immigration status cannot be verified.

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, and directing activities of criminal street gangs.

The bill would amend the Government Code to require the Department of Public Safety (DPS) to establish a pilot program relating to the use of automatic license plate readers in law enforcement motor vehicles and include a request for proposal process to select a contractor for the installation of the license plate readers. The bill would permit the director of DPS to call special rangers and special Texas Rangers into service under certain criteria. The bill would require county jails to report to the Texas Commission on Jail Standards certain data regarding inmates for whom an immigration detainer has been issued and the costs associated with housing those inmates.

The bill would require DPS to designate certain driver's license offices as temporary visitor stations employing a least two staff who have completed certain specialized training. The bill would permit DPS to use an image verification system to verify an applicant for a driver's license, permit, commercial driver's license, or personal identification card is not a fugitive from justice.

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 Section 10, Article 4413(37), Revised Statutes, to require an insurer to pay a fee of \$2, rather than \$1, multiplied by the total number of motor vehicle years of insurance for policies delivered, issued, or renewed. The bill would authorize fifty percent of each fee to be appropriated only to the Automobile Burglary and Theft Prevention Authority.

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.

The Comptroller of Public Accounts (CPA) indicates the revenue implications from the Driver's License System Improvement Fees, Record Request Standardization Fees, and the Driver's License Reinstatement or Reissuance Standardization Fees cannot be determined. However, the Department of Public Safety estimates the various fees would generate \$69,996,011 towards the Driver's License System Improvement Account each fiscal year. The bill indicates funds in the Driver's License System Improvement Account may only be appropriated for the purposes of maintaining and improving the driver's license system.

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 fiscal year (FY) 2013, \$1,461,247 in FY 2014, \$1,490,467 in FY 2014, and \$1,520,278 in FY 2015.

DPS indicates the Crime Records Section (CRS) of DPS where fugitive information is maintained does not have capability for facial verification, but they would be able to verify applicants are not fugitives by checking both thumbprints and all fingerprints. Currently, only thumbprints are used to verify other information regarding applicants for the applicable documents and would not be sufficient to check against CRS records. This would require DPS to obtain programming and equipment to obtain full sets of fingerprints from all applicants and allow the CRS to interface with the Driver License System. Additionally, DPS will require an additional 15 Fingerprint Technician IIIs to analyze and process the additional submitted fingerprints to comply with the provisions of the bill. This analysis assumes all other provisions of the bill affecting DPS could be implemented within existing resources.

Article 4 of the bill would generate \$37,029,000 in General Revenue Related Funds during the 2012-13 biennium. Under current law the Automobile Burglary and Theft Prevention Authority fee is paid by insurers at the rate of \$1 per motor vehicle year of insurance. Based on information from CPA it is assumed that an increase in the fee to \$2 would have no effect on the number of motor vehicle policies issued, delivered, or renewed. Estimates of revenue generated from the increased fee are based on the CPAs 2012-13 Biennial Revenue Estimate.

### **Technology**

DPS estimates technology costs to implement the provisions of the bill related to determining if applicable applicants are fugitives from justice at \$843,000 in FY 2012, \$52,000 in FY 2013, and \$10,600 in FY 2015. These costs include additional programming equipment, and maintenance of additional equipment necessary to capture all the fingerprints of all applicants for the applicable documents and allow the CRS to interface with the Driver License System.

### **Local Government Impact**

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

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 454 Department of Insurance, 696 Department of Criminal Justice

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