

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 28, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB530** by Fletcher (Relating to interception of wire, oral, or electronic communications for law enforcement purposes.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to authorize a chief law enforcement officer of a designated law enforcement agency to engage in the interception of a wire, oral or electronic communication for law enforcement purposes in a situation that is not immediately lifethreatening.

The bill would require prior approval by the Department of Public Safety (DPS) of a local law enforcement agency's written policy detailing the protocols for intercepting wire, oral or electronic communications. The bill would authorize DPS to audit a designated law enforcement agency to ensure compliance with monitoring guidelines. The bill would require completion of a minimum of 16 hours of training pertaining to the interception of communications for any peace officer engaged in operating or monitoring the interception of a wire, oral or electronic communication. 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 DPS could implement the provisions of the bill within existing appropriations.

The bill would take effect September 1, 2013.

**Local Government Impact**

According to Texas Association of Counties, Harris County reported no fiscal impact associated with the bill. Brazoria County reported no fiscal impact because the costs to run a pen register or wire are prohibitively expensive for an agency of their size.

Texas Municipal League reported that there could be some minor costs associated with the bill but that costs to cities would not be significant.

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

**LBB Staff:** UP, ESi, AI, KKR