LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 22, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2841** by Wu (Relating to interception of wire, oral, or electronic communications for law enforcement purposes.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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 life-threatening.

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

There would be costs associated with starting a program and training peace officers, but it is assumed that a local law enforcement agency would implement the interception of a wire, oral or electronic communication only if there were sufficient resources available.

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

LBB Staff: UP, KKR, ESi, AI, JAW, TP