

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 13, 2015**

**TO:** Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

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

**IN RE: HB11** by Bonnen, Dennis (Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB11, Committee Report 1st House, Substituted: a negative impact of (\$4,114,616) through the biennium ending August 31, 2017.

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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$3,272,714)
2017	(\$841,902)
2018	(\$841,902)
2019	(\$841,902)
2020	(\$841,902)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>	<b>Change in Number of State Employees from FY 2015</b>
	<b>1</b>	
2016	(\$3,272,714)	12.0
2017	(\$841,902)	12.0
2018	(\$841,902)	12.0
2019	(\$841,902)	12.0
2020	(\$841,902)	12.0

**Fiscal Analysis**

The bill would:

- 1) Amend the Government Code to require the Department of Public Safety (DPS) periodically to review the agency's information technology system.
- 2) Amend the Government Code to authorize DPS to credit up to 4 years of experience as a law enforcement officer in the state as years of service for Schedule C salary purposes. The bill would also stipulate all officers are subject to a one-year probationary period regardless of rank or salary classification.
- 3) Amend the Government Code to authorize the Public Safety Commission to establish a reserve officer corps and authorize the DPS Director to call the reserve officer corps into service at any time. The bill would also amend the Code of Criminal Procedure to include as "peace officers" members of the reserve officer corps.
- 4) Amend the Government Code to require DPS to investigate the feasibility of providing federal authorities at international border checkpoints with assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled from Texas into Mexico. The bill would authorize DPS to share the costs of staffing any such international border checkpoint with relevant federal entities.
- 5) Amend the Government Code to require each local law enforcement agency to implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System by September 1, 2019. If a local law enforcement agency is not in compliance by September 1, 2019, any grant funds awarded to the agency by DPS or the Criminal Justice Division of the Office of the Governor may only be used to come into compliance with this requirement. The bill would require DPS to promulgate rules necessary to implement this requirement by no later than December 31, 2015.
- 6) Amend the Local Government Code to require a certain sheriff's department and municipal police department to jointly establish and operate the Texas Transnational Intelligence Center. DPS would be required to assist in the establishment and operation of this Center. Each local law enforcement agency in a county located along the Texas-Mexico border, as well as the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department, would be required to report certain crime information to the Center. The bill would require the information in the Center shall be made available to each law enforcement agency in the state, as well as to the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department.
- 7) The bill would amend the Penal Code to prohibit certain behaviors for pecuniary benefit under the offense of smuggling of persons. The bill would also create the new offense of continuous smuggling of persons and include this offense among other offenses eligible for prosecution under the offense of engaging in organized criminal activity. The bill would enhance the punishment for certain individuals convicted of engaging in organized criminal activity related to continuous smuggling of persons.

Except as otherwise noted above, the bill would take effect September 1, 2015.

### **Methodology**

This fiscal note assumes all costs associated with implementing the provisions of the bill would be funded out of the General Revenue Fund.

This fiscal note assumes the bill's requirement that the Department of Public Safety (DPS) periodically review the agency's information technology system can be absorbed within existing resources.

This fiscal note assumes the bill's requirement to authorize DPS to credit up to 4 years of experience as a law enforcement officer in the state as years of service for Schedule C salary purposes may result in increased cost to the agency, to the degree the agency adds these more costly troopers, rather than less costly recruit school graduates.

This fiscal note assumes the reserve office corps created by this bill would be composed of volunteers, and thus would not represent a significant cost to the agency.

This fiscal note assumes there will be both local and state costs associated with the bill's requirement that each local law enforcement agency in the state implement a crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019. The local costs are indicated below in the Local Government impact section. This fiscal note assumes the state cost would center on the bill's requirement that DPS promulgate rules necessary to implement this reporting standard across the state. It is assumed DPS would require the following: 5 Training Specialist III positions ( $\$46,976 \times 5 = \$234,880$  per fiscal year), as well as travel costs for these Training Specialists ( $\$27,000$  per fiscal year  $\times 5$  Training Specialists =  $\$135,000$  per fiscal year); and 7 Administrative Assistant IV positions ( $\$41,876 \times 7$  Administrative Assistants =  $\$293,132$  per fiscal year). Associated costs for benefits for these positions is estimated to be  $\$178,890$  per year.

These training and support staff would be responsible for informing law enforcement agencies of the requirement to submit their crime statistics data to DPS; providing all field/classroom training; making presentations to law enforcement, advocacy and non-law enforcement groups regarding the new crime statistics reporting; assisting agencies in converting their processes to NIBRS, as well as supporting existing NIBRS agencies; maintaining agency contact information; and finally work with law enforcement agencies to correct any errors or to troubleshoot any problems that the agency may be experiencing.

This fiscal note assumes the bill's requirement that a certain sheriff's department and municipal police department jointly establish and operate the Texas Transnational Intelligence Center with the assistance of DPS would entail costs both to the state and local agencies of government. The potential local impact is noted below in the Local Government Impact section. It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the Center. One-time start-up costs for fiscal year 2016 are assumed to be  $\$2,132,000$  for computers, network hardware, and other IT equipment, as well as  $\$298,812$  for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing technology costs associated with DPS' assistance in operating the Center can be absorbed within existing resources. It is also assumed that the bill's requirement that the Texas Alcoholic Beverage Commission and Texas Parks and Wildlife Department must provide certain criminal record data to the Center can be accomplished within each agency's existing resources.

The probable impact of implementing the bill's provisions which would amend the Penal Code is not assumed to be significant.

## **Technology**

It is assumed DPS would be required to provide computing, networking, and support applications to fulfill the mission of the Texas Transnational Intelligence Center. One-time start-up costs for fiscal year 2016 are assumed to be \$2,132,000 for computers, network hardware, and other IT equipment, as well as \$298,812 for an IT contractor to assist in establishing the Center's network in fiscal year 2016 only. It is assumed any ongoing costs associated with DPS' assistance in operating the Center can be absorbed within existing resources.

## **Local Government Impact**

The bill's requirement that each local law enforcement agency in the state implement an incident-based crime reporting system that meets the reporting requirements of the National Incident-Based Reporting System (NIBRS) by September 1, 2019 could constitute a significant fiscal impact to local law enforcement agencies. The impact to each law enforcement agency would depend on a given's agency's resources and whether the agency has already initiated a shift to an incident-based crime reporting system. The City of El Paso reported that the fiscal impact to implement the provisions of the bill is not anticipated to be significant. The Houston Police Department reported that conversion to the NIBRS would have a significant fiscal impact on the department, as it may require a significant rewrite of the current Records Management System.

The bill's requirement to establish and operate the South Texas Crime Information Center presumably would result in costs to the two affected law enforcement agencies as well as the affected municipality, to the degree the municipality opts to provide resources for the Center.

There may be costs to local governments associated with prosecution, confinement, enforcement of a new offense. Harris County reported that the creation of a new offense related to the smuggling of persons may create an additional 3,000 jail bookings per year; the cost for county jail bed stays, averaging 30 days per inmate, and processing fees would be \$5,130,000 per year.

**Source Agencies:** 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System

**LBB Staff:** UP, ESi, JAW, JHa, KVe, AI