

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB472 by Stephenson (Relating to the reporting and disposition of proceeds and property from criminal asset forfeiture.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB472, As Introduced: a negative impact of (\$861,983) 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$704,850)
2017	(\$157,133)
2018	(\$157,133)
2019	(\$157,133)
2020	(\$157,133)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2015
2016	(\$704,850)	1.5
2017	(\$157,133)	1.5
2018	(\$157,133)	1.5
2019	(\$157,133)	1.5
2020	(\$157,133)	1.5

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to require all law enforcement agencies to produce an audit containing detailed information related to certain criminal asset forfeitures and provide this information to the Office of the Attorney General. The Office of the Attorney General would be required to publish a summary report of the audits on its website no later than February

1st each year.

Under the bill provisions, the Office of the Attorney General indicated the fiscal impact would be \$704,850 in fiscal year 2016 and \$157,133 each fiscal year from 2017-2020. Costs include salaries for 1.5 FTEs, general operating, capital equipment, benefits, and one-time costs for information technology system development (\$537,404).

The Office of the Attorney General indicated that Criminal Justice Information Services (CJIS) requirements may apply to the information provided in the audits and summary reports under the bill provisions. According to the Office of the Attorney General, CJIS compliant software licenses would have a recurring fiscal year cost of \$4,734,803. However, it cannot be determined if CJIS requirements would apply at this time.

The State Auditor's Office and Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

The bill would take effect September 1, 2015.

Methodology

Currently, the Office of the Attorney General - Criminal Prosecutions Division receives paper reports on seized asset forfeitures from law enforcement entities and manually aggregates the data in Excel spreadsheets. The information provided by law enforcement entities is generally a single number providing a total amount of seized asset forfeitures. The Criminal Prosecutions Division anticipates the bill provision would require the audits provided by law enforcement entities to provide substantially more detailed information related to individual seizures and criminal charges.

The Office of the Attorney General estimates the bill provisions would require one Legal Assistant IV (1.0 FTEs) and 0.5 Programmer V (0.5 FTEs) with a combined fiscal year cost of \$138,795 for salaries (\$103,671) and related benefits (\$35,124). Additionally, the Office of the Attorney General estimates the bill provisions would require one-time information technology system development in order to accommodate the additional detail law enforcement entities would be required to provide.

Technology

There would be a technology impact related to computer hardware, software, telecommunications equipment, and network storage estimated to be \$557,827 in fiscal year 2016 and \$10,110 in subsequent fiscal years.

Local Government Impact

There may be administrative costs to local law enforcement agencies to comply with certain reporting requirements; however, no significant fiscal implication is anticipated.

Source Agencies: 302 Office of the Attorney General, 308 State Auditor's Office, 405 Department of Public Safety

LBB Staff: UP, KJo, EP, TBo, JAW, KVe