

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 25, 2015

TO: Honorable Allen Fletcher, Chair, House Committee on Emerging Issues In Texas Law Enforcement, Select

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1369 by Dutton (Relating to the creation of a special prosecution division in the office of the attorney general to investigate and prosecute peace officer misconduct.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1369, As Introduced: a negative impact of (\$13,615,125) 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 | (\$7,411,385) |
| 2017 | (\$6,203,740) |
| 2018 | (\$6,203,740) |
| 2019 | (\$6,203,740) |
| 2020 | (\$6,203,740) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from General Revenue Fund | Change in Number of State Employees from FY 2015 |
|--------------------|--|---|
| | 1 | |
| 2016 | (\$7,411,385) | 55.0 |
| 2017 | (\$6,203,740) | 55.0 |
| 2018 | (\$6,203,740) | 55.0 |
| 2019 | (\$6,203,740) | 55.0 |
| 2020 | (\$6,203,740) | 55.0 |

Fiscal Analysis

The bill would amend the Code of Criminal Procedure and the Government Code to create a Special Prosecution Division within the Office of the Attorney General (OAG) to investigate and

prosecute allegations of commissioned peace officer misconduct. Additionally, the bill would remove the authority to prosecute commissioned peace officer misconduct cases from local prosecuting attorneys.

Under the bill provisions, the OAG indicated the fiscal impact would be \$7,411,385 in fiscal year 2016 and \$6,203,740 each fiscal year from 2017-2020. Costs include salaries for 55.0 FTEs, general operating, travel, capital equipment, and benefits.

The Commission on Law Enforcement and the Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2015. The OAG would be required to establish the Special Prosecution Division no later than December 1, 2015.

Methodology

Currently, there are approximately 76,000 commissioned peace officers in the State of Texas according to the TCOLE and no single source for information related to peace officer misconduct. The OAG estimated the Special Prosecution Division would receive complaints of peace officer misconduct at 1.5 percent of the peace officer population (approximately 1,140) by examining internal data and statistics from TCOLE and DPS.

According to the OAG, investigations into commissioned peace officer misconduct typically require substantial resources and are generally initiated at the request of local law enforcement or local prosecuting attorneys. Under the bill provisions, local law enforcement would be required to report allegations of misconduct to the Special Prosecution Division and cooperate with the division during the investigation and prosecution.

The OAG estimates the bill provisions would require four Assistant Attorney General (AAG) IV (4.0 FTEs), eight AAG V (8.0 FTEs), four AAG VI (4.0 FTEs), five Legal Assistant III (5.0 FTEs), three Research Specialists III (3.0 FTEs), and two Administrative Technician III (2.0 FTEs) related to the prosecution of commissioned peace officer misconduct statewide.

The OAG estimates the bill provisions would require one Manager V (1.0 FTE), twenty two Investigator V (22.0 FTEs), two Investigator VII (2.0 FTEs), two Auditor V (2.0 FTEs), and two Program Specialist III (2.0 FTEs) related to investigations of commissioned peace officer misconduct received from local law enforcement.

The additional investigators would be commissioned peace officers and require specialized equipment such as weapons, radios, safety equipment, and vehicles. The OAG estimates the travel associated with the bill provisions would be greater than average due to statewide investigations, prosecutions, and assumed complaint levels. Additionally, the OAG estimates they would not be able to house the additional personnel in existing office space and would be required to lease space.

Technology

There would be a technology impact related to computer hardware, specialized software, telecommunications equipment, and network storage estimated to be \$283,225 in fiscal year 2016 and \$284,601 in subsequent years.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety, 407
Commission on Law Enforcement

LBB Staff: UP, ESj, EP, TBo