

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 25, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB34** by Smithee (Relating to measures to prevent wrongful convictions.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to require prosecutor's offices to track certain testimonies and require recording of interrogations by law enforcement agencies when investigating certain offices. The bill would require the Texas Commission on Law Enforcement (TCOLE) to establish a statewide comprehensive education and training program on eyewitness identification practices and protocols and would require certain law enforcement officers to complete the training. The bill would also direct the Texas Forensic Science Commission to conduct studies regarding the use of drug field test kits and crime scene investigations. According to the Office of Court Administration (OCA), the bill would implement the recommendations of the Timothy Cole Exoneration Review Commission. The Department of Criminal Justice, the Office of the Governor, the Department of Public Safety, TCOLE and OCA report that no significant fiscal impact is anticipated to implement the provisions of the bill. The bill would go into effect September 1, 2017.

**Local Government Impact**

According to OCA, the Timothy Cole Exoneration Review Commission surveyed law enforcement agencies during the interim and found that most already electronically record interrogations. The survey also found that the average cost of purchasing electronic digital recording equipment was less than \$5,000. No significant fiscal impact is anticipated.

According to the Texas Municipal Police Association (TMPA), law enforcement agencies could incur costs associated with travel, per diem, hotel and shift replacement as it relates to additional training. The fiscal impact cannot be determined at this time and costs would be contingent upon the amount of training hours required.

According to the San Antonio Police Department and the Houston Police Department, no fiscal impact is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 405 Department of Public Safety, 407 Commission on Law Enforcement, 696 Department of

Criminal Justice

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