

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

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

**April 20, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

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

**IN RE:** HB34 by Smithee (Relating to measures to prevent wrongful convictions.), **Committee Report 1st House, Substituted**

**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 felony cases. 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. 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.

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

**LBB Staff:** UP, KJo, AI, KVe, LBe, JGA