

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB245** by Johnson, Eric (Relating to certain reporting requirements for law enforcement agencies and to the creation of a criminal justice web portal by the office of the attorney general; providing a civil penalty.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB245, Committee Report 2nd House, Substituted: a negative impact of (\$1,152,505) through the biennium ending August 31, 2019.

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
2018	(\$1,016,496)
2019	(\$136,009)
2020	(\$136,009)
2021	(\$136,009)
2022	(\$136,009)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2017
2018	(\$1,016,496)	1.0
2019	(\$136,009)	1.0
2020	(\$136,009)	1.0
2021	(\$136,009)	1.0
2022	(\$136,009)	1.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to require the Attorney General to conduct an investigation relating to a law enforcement agency's failure to comply with reporting

requirements for certain injuries or deaths caused by peace officers. The bill would add a civil penalty if failure to comply continues after notification.

The bill would amend the Government Code to require the Office of the Attorney General (OAG) to develop and maintain a web portal for law enforcement agencies to submit reports required by law and for the web portal to allow public access to these reports.

The bill would take effect September 1, 2017.

Methodology

Under the provisions of the bill, the OAG shall direct law enforcement agencies to submit through the web portal certain reports required by law to be submitted to the OAG. The OAG reports that there are currently three reports that must be filed by law enforcement agencies and district attorneys. These reports are the Chapter 59 Asset Forfeiture Audit Report, the Officer Involved Shooting Report, and the Custodial Death Report. Currently the OAG utilizes 2.0 FTEs to manage and support the reporting program. Since the bill would expand the scope of reported criminal justice data to the OAG, the agency reports they would need an additional one-half FTE to manage the additional workload. The OAG estimates this Legal Assistant III position to cost \$37,440 each year for salary, overhead, and benefits.

In addition to the requirement of directing law enforcement agencies to submit reports through this web portal, the bill also calls for the web portal to include an interactive dashboard that provides analysis and visual representation of the data included in the reports and that this dashboard must be accessible to the public. Implementing the requirements of the bill would require the OAG Information Technology Services (ITS) Division to conduct additional analysis, design, and development for the dashboard and data visualization capabilities called for in the bill. The OAG reports that a business intelligence/visualization tool will need to be procured as a part of this effort. The initial development of the web portal and dashboard will require a one-time expense for outsourced professional services totaling \$878,547 in fiscal year 2018. Additionally, the OAG ITS will require one-half FTE for a Programmer VI position which the agency estimates will cost \$72,369 each year for salary, overhead, and benefits.

Based on the analysis of the Department of Public Safety, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

Technology

Technology costs are estimated to be \$878,547 in the first year for professional services and product development and \$23,940 in each subsequent year for software licenses and developer support.

FTE related IT costs include a one time fiscal year 2018 cost of \$4,200 and a recurring cost of \$2,260 each fiscal year. The FTE technology costs include standard computer desk-top/laptop, software, printer, voice line, and voice mail-box. Annual recurring charges cover network storage and software.

Local Government Impact

The bill would have an impact on local governments by imposing a civil penalty if it is determined that a law enforcement agency failed to comply with reporting requirements.

According to the Texas Association of Counties, the fiscal impact to counties cannot be determined.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety
LBB Staff: UP, KJo, NV, JSm, LBO, RC, JAW, JGA