

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

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

**April 24, 2017**

**TO:** Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

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

**IN RE: HB854** by Reynolds (Relating to the appointment by the attorney general of a special prosecutor to prosecute certain offenses that are committed by certain peace officers and that result in serious bodily injury or death.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure to disqualify an attorney from prosecuting a peace officer for an offense arising out of an officer-involved injury or death if the peace officer is employed by a political subdivision served by the prosecuting attorney. The bill would provide for the Attorney General to appoint a prosecutor serving in another county as a special prosecutor. The bill would expand the reporting duty to the Attorney General of the law enforcement agency employing a peace officer in a officer-involved injury or death.

The bill does not indicate how it is determined that an offense arises from a peace officer involved injury or death. This analysis assumes that the local prosecuting attorney makes that determination through the use of a grand jury or otherwise. In these cases, the Attorney General involvement would be limited to selecting a special prosecutor and duties and responsibilities associated with implementing this provision of the bill could be accomplished utilizing existing resources. Furthermore, any additional responsibilities related to the additional reporting provision of the bill or assistance provided to special prosecutors involving investigative assistance is assumed to be reasonably absorbed within current agency resources.

The Department of Public Safety, Office of Court Administration, Commission on Law Enforcement, and Department of Criminal Justice anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses, otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

According to the Office of Court Administration, the bill would have no significant fiscal impact on local courts.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety, 407 Commission

on Law Enforcement, 696 Department of Criminal Justice

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