

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 2, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1849 by Whitmire (Relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses and the confinement or release of those individuals prior to prosecution.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1849, As Introduced: a negative impact of (\$2,741,808) through the biennium ending August 31, 2019. The fiscal implication of certain components of this legislation relating to the action of counties is indeterminate.

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	(\$1,419,954)
2019	(\$1,321,854)
2020	(\$1,321,854)
2021	(\$1,321,854)
2022	(\$1,321,854)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2017
2018	(\$1,419,954)	17.0
2019	(\$1,321,854)	17.0
2020	(\$1,321,854)	17.0
2021	(\$1,321,854)	17.0
2022	(\$1,321,854)	17.0

Fiscal Analysis

The bill, known as the Sandra Bland Act, amends statute to change policing and jail standards

across the state including provisions regarding special populations.

Article 2 of the bill would reduce from 72 to 24 hours the time a sheriff's office has to notify a magistrate that a defendant in the sheriff's custody is suspected of having mental illness or intellectual disability. The bill would create standards for the identification of and diversion from traditional detention facilities for persons with a mental illness, substance abuse or intellectual disability. The bill would modify requirements for community collaborations. The bill would require the Health and Human Services Commission (HHSC) to suspend eligibility for medical assistance rather than terminate for individuals confined in a county jail who have been charged, but not convicted of an offense.

Article 3 of the bill would limit bond requirements on persons arrested for certain levels of offences or those with mental illness. The bill would require additional policies for law enforcement agencies regarding officer interaction with the public and provide for more reporting on these interactions. The bill would require the Texas Commission on Jail Standards (TCJS) to develop rules establishing minimum standards for jails to promote inmate safety, including requiring 24-hour mental health professional access, on-duty nurse or EMTs, and automated electronic sensors in jail cells, and would create the County Inmate Safety Fund to provide grants to county jails with 96 or less beds to implement certain provisions of this bill.

Article 4 of the bill would modify training requirements for peace officers to include de-escalation training with techniques to limit the use of force and establishes standards for training.

Article 5 of the bill would modify racial profiling prevention and training for peace officers. The bill would remove peace officer's ability to conduct a roadside investigation during a motor vehicle stop without suspicion based on preponderance of evidence, or arrest a driver unless the officer has probable cause to believe the driver has committed an offense more serious than a Class C misdemeanor. The bill would repeal a section of the Code of Criminal Procedure regarding exemption from reporting requirements for peace officers using video and audio recording equipment.

Article 6 of the bill would add new requirements for law enforcement agencies to receive complaints regarding peace officers, new disciplinary procedures for peace officers, and requires certain contact information to be printed on issued citations.

Article 7 of the bill would expand the role of the Independent Ombudsman of the Texas Juvenile Justice Department (TJJJD) to include oversight and investigation of adults confined in county jails and requires coordination of these efforts with TCJS.

Except as otherwise specified, the bill would take effect September 1, 2017.

Methodology

For Article 2 of the bill, regarding medical assistance eligibility, it is assumed there would be no significant fiscal impact to HHSC. It is assumed the agency could absorb the fiscal year 2018 costs for modifications to the Texas Integrated Eligibility Redesign System (TIERS). The impact to Medicaid caseloads is assumed to be small and any cost or savings would not be significant.

Regarding the changes to requirements of the grant program for establishment and expansion of community collaboratives, based on information previously provided by HHSC it is assumed that any other costs to HHSC, including administrative costs, associated with implementing the provisions of the bill could be accomplished using existing agency resources.

Implementing the County Inmate Safety fund and grant program could result in an indeterminate cost to the state. TCJS would require 1.0 additional full-time equivalent (FTE) to administer the grant program and to research and apply for grant funding. The estimated cost of an additional FTE, including salary, benefits, travel, equipment, and consumables, would be \$83,782 in fiscal year 2018, and \$82,682 in each subsequent fiscal year. TCJS estimates counties would be eligible to participate in the grant program, but cannot determine the number of counties that would apply for grants. The Comptroller of Public Accounts cannot estimate the cost to the state as the amounts provided by the sources cannot be determined.

For Article 4 of the bill, regarding additional training on interaction with the public for peace officers, it is assumed the cost to implement the additional training requirements would not be significant and could be absorbed using current resources.

For Article 5 of the bill, regarding additional counseling and training on racial profiling for certain peace officers, it is assumed the cost to implement the additional training requirements would not be significant and could be absorbed using current resources.

The provisions of Article 7 of the bill, regarding the expansion of duties for the Independent Ombudsman of TJJJ, would require additional resources to receive and investigate complaints at 242 county jails. The Independent Ombudsman of TJJJ is currently responsible for investigating, evaluating, and securing the rights of children committed to the department. The 2018-19 introduced budget projects an average daily population of 24,914 juveniles in state operated or supervised facilities. The bill amends statute to include adults confined in county jails. Data collected by the TCJS reports the population in county jails as of March 2017 was 64,741. According to TJJJ, expanding the duties of this office to include all adults confined in county jails would require an additional \$2,575,344 in the 2018-19 biennium and 16 FTEs to conduct complaint intake and investigations. The costs are projected to be \$1,239,172 each fiscal year following the 2018-19 biennium.

Technology

According to TJJJ the bill would require an additional \$137,000 for the 2018-19 biennium in technology resources for the Independent Ombudsman of TJJJ.

Local Government Impact

The fiscal impact of the bill on local governments cannot be determined, but costs would be significant to local law enforcement agencies and county jails. Implementing provisions of the bill related to magistrate notification, training requirements, reporting requirements, investigating complaints, and provision of certain information to the public would require resources. The size of the fiscal impact cannot be determined because it is unknown what provisions of the bill are currently implemented across the state. To the extent the state provides grants funded by the County Inmate Safety Fund, local costs would be offset.

According to Harris County, the bill would have a significant impact on the county's budget, but the cost cannot be determined.

According to Hays County and San Antonio Police Department, no significant fiscal impact to the County is anticipated.

According to Denton County, the cost would be significant but the impact cannot be determined.

For every dollar of increase per day the jail would require an additional \$438,000.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement, 458 Alcoholic Beverage Commission, 644 Juvenile Justice Department, 802 Parks and Wildlife Department, 302 Office of the Attorney General, 409 Commission on Jail Standards, 529 Health and Human Services Commission, 696 Department of Criminal Justice

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