

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 5, 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, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.), Committee Report 1st House, Substituted

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1849, Committee Report 1st House, Substituted: a negative impact of (\$166,464) through the biennium ending August 31, 2019. The fiscal implication of certain components of this legislation relating to 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	(\$83,782)
2019	(\$82,682)
2020	(\$82,682)
2021	(\$82,682)
2022	(\$82,682)

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	(\$83,782)	1.0
2019	(\$82,682)	1.0
2020	(\$82,682)	1.0
2021	(\$82,682)	1.0
2022	(\$82,682)	1.0

## **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 12 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.

Article 3 of 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 and automated electronic sensors or cameras in jail cells. The bill would create the Prisoner Safety Fund to provide grants to county jails with a capacity of not more than 96 prisoners to implement certain provisions of the 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. The bill would require the Department of Public Safety to appoint a law enforcement agency that meets certain requirements to investigate prisoner deaths in county jails.

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 under certain conditions. 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.

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

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

## **Methodology**

For Article 2 of the bill, 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. The expansion of allowable uses for this grant could result in an indeterminate cost to the state.

For Article 3 of the bill, implementing the Prisoner 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. This analysis also assumes investigation of deaths in county jails would be conducted by local law enforcement agencies meeting the requirements of the bill.

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.

### **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 fiscal impact on the county's budget; however, the cost cannot be determined. Increased training would affect approximately 5,000 officers (including jailers) between the Sheriff's Office and Constables. In addition to training costs, there would be personnel costs along with additional pharmaceutical expenses, costs related to additional data collection and reporting requirements, and increased costs related to inmates referred for an assessment to the local mental health authority. Harris County also anticipates equipment and infrastructure costs necessary to ensure accurate and timely cell checks.

According to the Houston Police Department, there would be an indeterminate fiscal impact related to costs associated with additional data collection and provision of certain information to the public.

According to Hays County, no significant fiscal impact to the County is anticipated.

According to the San Antonio Police Department, 500 officers would need to fulfill minimum training requirements, which would cost SAPD an estimated \$280,000.

According to Denton County, the cost would be significant but the fiscal impact cannot be determined. For every dollar of increase per day the jail would require an additional \$438,000.

Travis County anticipates an estimated first-year cost of \$1.6 million with an ongoing cost of \$600,000 per year, which would have a significant fiscal impact on the County.

**Source Agencies:** 405 Department of Public Safety, 407 Commission on Law Enforcement  
**LBB Staff:** UP, KJo, JJ, JLE, JGA