

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

Revision 1

April 28, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1396 by White (Relating to law enforcement agencies and policies and procedures affecting peace officers.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1396, As Substituted: a negative impact of (\$281,421) through the biennium ending August 31, 2023.

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:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$143,942)
2023	(\$137,479)
2024	(\$137,479)
2025	(\$137,479)
2026	(\$137,479)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$143,942)	2.0
2023	(\$137,479)	2.0
2024	(\$137,479)	2.0
2025	(\$137,479)	2.0
2026	(\$137,479)	2.0

Fiscal Analysis

The bill would impose certain duties on each law enforcement agency of the state or an agency of a political subdivision of the state authorized to employ peace officers to report to the Texas Commission on Law Enforcement (TCOLE) each incident of misconduct by a peace officer.

The bill would impose certain requirements on law enforcement agencies with which the agencies must comply in order to be eligible for a grant funded by the governor.

The bill would require TCOLE, in consultation with state and local law enforcement agencies, to develop a coordinated response program model policy.

Methodology

According to TCOLE, this estimate assumes an added function to the agency's current licensing database, which would allow secure access to the relevant records by law enforcement agencies.

TCOLE indicates it would require 1.0 Program Specialist II in the Enforcement division to receive and process the reports of peace officer misconduct and make the data available on the agency's website, as well as 1.0 Legal Assistant II in the Legal division to prepare and process disciplinary license action taken based on findings of misconduct indicated on a separation report. The total cost for 2.0 FTEs is estimated to cost \$133,582 in each fiscal year, which includes salary, benefits, and retirement. Additional rent is estimated to average \$2,500 in each fiscal year.

It is assumed that costs at the Department of Public Safety, Alcoholic Beverage Commission, Parks and Wildlife Department, Health and Human Services Commission, and Department of Criminal Justice associated with the bill's provisions could be absorbed using existing resources.

This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Technology

According to TCOLE, the estimated cost for IT equipment would cost \$8,060 in fiscal year 2022 and \$1,497 for each fiscal year thereafter for maintenance costs.

Local Government Impact

According to the Justices of the Peace and Constables Association, no significant fiscal impact on Constables' Offices is anticipated.

Source Agencies: 405 Department of Public Safety, 407 Law Enforcement, 458 Alcoholic Beverage Commission, 529 Hlth & Human Svcs Comm, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

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