

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 25, 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.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1396, As Introduced: a negative impact of (\$684,931) through the biennium ending August 31, 2023.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$596,825)
2023	(\$88,106)
2024	(\$88,485)
2025	(\$88,813)
2026	(\$89,130)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$596,825)	1.0
2023	(\$88,106)	1.0
2024	(\$88,485)	1.0
2025	(\$88,813)	1.0
2026	(\$89,130)	1.0

Fiscal Analysis

This bill would require the Texas Commission on Law Enforcement (TCOLE) to create and maintain a peace officer misconduct database.

This bill amends portions of the Criminal Procedure Code relating to law enforcement agencies' policies and procedures affecting police officers.

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.

Additionally, it would require 1.0 Data Analyst II to facilitate information sharing between the hiring law enforcement agency and agencies where a licensee has previously worked. The total cost for the 1.0 FTE is estimated to cost \$50,240 for fiscal year 2022, \$50,260 for fiscal year 2023, \$50,280 for fiscal year 2024, \$50,300 for fiscal year 2025, and \$50,320 for fiscal year 2026.

According to the Department of Public Safety, Alcoholic Beverage Commission, Health and Human Services Commission, Parks and Wildlife Department, and Department of Criminal Justice, it is assumed that the costs 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 the database development would cost \$520,000 in fiscal year 2022 and \$15,000 for each fiscal year thereafter for maintenance costs. The estimated project time would be 26 weeks, utilizing 2.0 developers and 1.0 manager.

Local Government Impact

The Justices of the Peace and Constables Association of Texas does not anticipate a significant fiscal impact to justice courts.

The Sheriff's Association anticipates a negative fiscal impact on County Sheriff's Offices due to the workload associated with misconduct reporting requirements and differing interpretations of peace officer misconduct. The actual fiscal impact on Sheriff's Office will vary based on county size and peace officer staffing levels. The Texas Constables anticipate a similar effect on Constables' Offices due to the workload associated with reporting requirements. The extent of the fiscal impact would vary based on county size and constable staffing levels.

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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