

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 18, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1757** by Krause (Relating to recordings of peace officer performance of official duties and interactions with the public; creating a criminal offense.), **Committee Report 1st House, Substituted**

Creating a criminal offense is expected to result in additional demands on the correctional resources of the counties or of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information on peace officers and employees of law enforcement agencies who engage in the form of evidence tampering as defined in the bill. This information is necessary to identify the cases affected by the provisions of the bill from all other evidence tampering cases.

The bill would amend various codes as they relate to recordings of peace officers during their performance of official duties and during their interactions with the public. Under the provisions of the bill, a peace officer or other employee of a law enforcement agency who alters, destroys, or conceals another person's audio, visual, or photographic recording of a peace officer's performance of official duties without obtaining that other person's written consent would commit a felony of the third degree.

Creating a criminal offense is expected to result in additional demands on the correctional resources of the counties or of the State due to an increase in individuals placed under supervision in the community or sentenced to terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of individuals who are peace officers or employees of law enforcement agencies who engage in the form of evidence tampering as defined in the bill. The Office of Court Administration indicates no significant fiscal impact to the state court system is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts, 407 Law Enforcement

LBB Staff: JMc, DKN, LM, MP