

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 3, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2162 by Raymond (Relating to the creation of the conviction integrity unit within the office of the attorney general.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2162, As Introduced : a negative impact of (\$7,832,212) 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>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	(\$4,271,066)
2023	(\$3,561,146)
2024	(\$3,561,146)
2025	(\$3,561,146)
2026	(\$3,561,146)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Revenue Gain/(Loss) from General Revenue Fund 1	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$4,271,066)	28.0
2023	(\$3,561,146)	28.0
2024	(\$3,561,146)	28.0
2025	(\$3,561,146)	28.0
2026	(\$3,561,146)	28.0

The bill amends the Texas Government Code relating to the creation of the Conviction Integrity Unit within the Office of the Attorney General.

The unit would be required to accept all requests by any person to review a criminal conviction; develop criteria for determining which convictions the unit would review; review convictions for error and ensure justice is served; refer persons to attorneys or organizations to provide representation in post-conviction proceedings; make recommendations to local prosecutors on appropriate post-conviction proceedings indicated by investigations and offer any assistance needed; and determine systemic issues after actual innocence is found. Priority is to be given to death penalty cases and those for which the offender is required to register as a sex offender for life.

In support of these duties, the Office of the Attorney General is to create a form for the public to use to request review and make it available on the OAG website. The bill makes no limitations on the case potentially reviewable by the unit either historically or prospectively.

Fiscal Analysis

The Office of the Attorney General indicates that the provisions of the bill would result in the need for an additional 28.0 FTEs. The cost of these additional FTEs is projected to be \$4,271,066 in fiscal year 2022 and \$3,561,146 in each fiscal year 2023-2026 thereafter. The total five-year cost is \$18,515,650.

Methodology

It is anticipated by the Office of the Attorney General that the new Conviction Integrity Unit would be established as a separate division reporting directly to executive administration, but would also need support from the Criminal Investigations Division.

Additional FTEs needed to fulfill the provisions of the bill would include: 1 Assistant Attorney General (AAG) (\$160,092) VII; 4 AAG V (\$426,467); 7 AAG IV (\$636,721); 1 Certified Peace Officer (CPO) Captain (\$105,171); 2 CPO Lieutenants (\$170,759); 7 CPO Sergeants (\$525,461); 1 Investigator IV (\$57,409); 2 Legal Assistants III (\$109,404); 2 Program Specialists II (\$110,196); and 1 Executive Assistant II (\$60,922). In addition to salary and wages costs are costs related to travel (\$102,800), employee benefits (768,318), and payroll contributions (\$35,439).

Costs also include a one-time equipment cost for FTEs of \$128,400. This include new furniture and computer equipment. Other operating expenses to facilitate the provisions of the bill include costs for new attorneys and law enforcement (guns, badges, walkie-talkies, etc.), which totals \$476,600 in one-time costs and \$167,647 in recurring costs in each fiscal year from 2022-2026.

Technology

The FTE technology impact includes one-time costs of \$104,920 in fiscal year 2022 and a recurring annual cost in each fiscal year from 2022-2026 of \$124,340. One-time costs include standard computer desktop/laptop, software, printer, and telecom/voice mailbox. Annual recurring charges cover data center services, specialty investigative software, and voice line.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, DKN, LCO, HGR