

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 31, 2021**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2650** by Johnson, Jarvis (Relating to law enforcement agency policies regarding the placement of a child taken into possession by a peace officer during the arrest of a person.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2650, As Introduced : a negative impact of (\$5,926,070) 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	(\$3,513,552)
2023	(\$2,412,518)
2024	(\$2,400,015)
2025	(\$2,400,015)
2026	(\$2,400,015)

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Probable Savings/(Cost) from Federal Funds 555</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$3,513,552)	(\$159,191)	30.0
2023	(\$2,412,518)	(\$104,873)	27.0
2024	(\$2,400,015)	(\$103,636)	27.0
2025	(\$2,400,015)	(\$103,636)	27.0
2026	(\$2,400,015)	(\$103,636)	27.0

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to require each law enforcement agency to adopt a written policy regarding the safe placement of a child who is in the care, custody, or control of a person at the time the person is arrested.

The policy would require, in part, the arresting officer to attempt to locate a competent adult identified by the arrested person to whom the officer may release the child. The arresting officer would be required to query relevant databases regarding the the identified person, including contacting the Department of Family and Protective Services (DFPS) for a search of the central registry of reported cases of child abuse or neglect, as well as to convey certain information about the child and the person to whom the child would be released.

If no competent adult can be located, the officer would be required to release the child to a representative of

the law enforcement agency's victims services division, or a similar division within the agency, to arrange the release of the child to DFPS.

The bill would require each law enforcement agency to enter into an agreement with DFPS that provides the procedures for the law enforcement agency to release a child to the care of DFPS.

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.

## **Methodology**

Under the provisions of the bill, DFPS would be required to enter into a Memorandum of Understanding (MOU) with each law enforcement agency in the state. Based on the number of Texas Commission of Law Enforcement agencies, it is estimated this would result in a total of 2,731 MOUs.

This analysis assumes a need for 3.0 Attorney III Full Time Equivalent (FTEs) to draft, negotiate terms, and advise about language changes that are consistent with statute and DFPS policy with the multiple and varied agencies that employ peace officers. Ongoing management of this workload will also require 1.0 Manager IV FTE and 10 Program Specialist V FTEs. This analysis also assumes the need to hire 2.0 additional temporary Attorney IIIs FTEs in fiscal year 2022 to ensure the MOUs are executed by June 1, 2022.

This analysis also assumes a need to modify the Information Management Protecting Adults and Children in Texas (IMPACT) and Automated Background Check System (ABCS) applications. This analysis estimates 1,323 contract hours are needed to modify the IMPACT application to track law enforcement requests and referrals and update data processing to support reporting. The Automated Background Check System (ABCS) will require updates to allow for faster processing of results in line with bill requirements and the creation of a new security profile and account type to allow Law Enforcement to access and view records. Additional costs include 1.0 IT FTE in fiscal year 2022, to support the review and requirements owing to the expanded number of MOUs.

The Department of Public Safety (DPS) would be required to release a child taken into possession by a DPS officer to DPS Victim Services staff when a competent adult is not located before the child may be released to DFPS. DPS's Victim Services program does not currently have sufficient resources to respond to every child placement resulting from an arrest. As a result, DPS estimates the need for 13.0 Health Specialist V FTEs.

## **Technology**

This analysis assumes costs to modify the DFPS systems would result in a cost of \$211,956 in fiscal year 2022, \$90,325 in fiscal year 2023 and \$76,585 in each subsequent year.

## **Local Government Impact**

According to the Sheriffs Association of Texas, the bill would have a significant fiscal impact on County Sheriff's Offices in that it would require deputies and dispatchers to expend time doing background checks on the person the parent chooses to release their child to when the parent is arrested.

According to Travis County, the bill may result in additional overtime for peace officers and software costs to facilitate coordination with DFPS.

According to Hays County, the bill would have no significant fiscal impact on the county.

**Source Agencies:** 405 Department of Public Safety, 530 Family & Protective Services

**LBB Staff:** JMc, DKN, CMA, DPE, AN