

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

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

**April 20, 2021**

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

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

**IN RE: HB3654** by Rodriguez (Relating to the powers and duties of the Texas Commission on Law Enforcement and law enforcement agencies regarding law enforcement officers and the use of body cameras; authorizing fees.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3654, As Introduced: a negative impact of (\$3,494,045) 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>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2022	(\$1,779,419)
2023	(\$1,714,626)
2024	(\$1,715,586)
2025	(\$1,716,546)
2026	(\$1,716,546)

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

<i>Fiscal Year</i>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>	<b>Probable Revenue Gain/(Loss) from Law Officer Stds &amp; Ed Ac 116</b>	<b>Change in Number of State Employees from FY 2021</b>
2022	(\$1,779,419)	\$571,000	16.0
2023	(\$1,714,626)	\$571,000	16.0
2024	(\$1,715,586)	\$571,000	16.0
2025	(\$1,716,546)	\$571,000	16.0
2026	(\$1,716,546)	\$571,000	16.0

**Fiscal Analysis**

This bill would amend Section 1701.154 of the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to establish a \$80 fee for the issuance of a peace officer license and a \$25 fee for other licenses issued under Chapter 1701.

This bill would require TCOLE to develop and make available to all law enforcement agencies a model policy and associated training materials regarding the use of force by peace officers. Additionally, on the request of a law enforcement agency, TCOLE would be required to provide the agency with training regarding the policy.

The bill would require TCOLE to establish grounds under which the commission shall suspend or revoke a peace officer license on a determination by the commission that the license holder's continued performance of duties as a peace officer constitutes a threat to the public welfare.

This bill would amend Section 1701.665 (b) of the Occupations Code to remove the policy requirement under this section that entitles an officer to access recordings of an incident before the officer is required to make a statement about the incident.

The bill would amend Section 1701.660 of the Occupations Code to remove the restriction on releasing a body worn camera recording to the public and prohibition on duplicating the recording, as well as make it mandatory that persons depicted in a recording of an incident be permitted to view the recording.

### **Methodology**

According to TCOLE, an expansion of authority would necessitate a proportional expansion of resources. This would include investigative resources on the front end and their support staff, as well as legal resources on the back end to alleviate a bottleneck of cases awaiting decision and action, and to eliminate reliance on OAG resources for SOAH hearings.

TCOLE indicates that the provisions of the bill would require 3.0 Program Specialists, 5.0 Investigator VIs, 1.0 Administrative Assistant III, 1.0 Human Resources Specialist II, 3.0 Attorney IIs, 1.0 Legal Assistant II, 1.0 Legal Secretary II, and 1.0 Accountant II. The total cost for hiring 16.0 additional FTEs is estimated to be \$1,509,579 in each fiscal year, which includes salary and benefits. Additionally, TCOLE estimates \$413,800 per fiscal year for a salary parity for 20.0 peace officers to match the salary of newly hired investigators.

TCOLE estimates an additional \$76,500 per fiscal year for travel expenses, and an average of \$46,240 per fiscal year for rent for additional space.

All licenses are currently issued without payment of a fee except for a school marshal license, which has a statutory fee of \$50. According to the TCOLE and Comptroller of Public Accounts, the additional \$80 fee for new peace officer licenses and an additional \$25 fee for all other new licenses issued would have a revenue increase of \$571,000 per fiscal year to General Revenue-Dedicated Fund 0116.

Based upon the information provided by the Department of Public Safety, it is assumed that additional 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 purchase of hardware and software of computing equipment for 16.0 FTEs is \$65,753 in fiscal year 2022. Ongoing software security and maintenance is estimated to be \$23,952 in each fiscal year thereafter.

### **Local Government Impact**

According to the Sheriff's Association of Texas, the bill would have a significant fiscal impact in that it imposes an additional \$80 fee for peace officer licenses and an additional \$25 fee for all other licenses issued. The additional cost could have a disproportionate effect on rural County Sheriff's Offices, but in an amount that cannot be determined at this time.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Law Enforcement

**LBB Staff:** JMc, DKN, KFB, NA, AF