

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 3, 2023

TO: Honorable Ryan Guillen, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB267 by King (Relating to law enforcement agency accreditation, including a grant program to assist agencies in becoming accredited.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB267, Committee Report 2nd House, Substituted: a negative impact of (\$28,620,000) through the biennium ending August 31, 2025. This analysis assumes all eligible law enforcement agencies will pursue a grant under the program established by the bill, and each will receive the maximum amount. However, the cost is dependent on the level of funding provided by the Legislature for this purpose.

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
2024	(\$28,620,000)
2025	\$0
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from General Revenue Fund 1
2024	(\$28,620,000)
2025	\$0
2026	\$0
2027	\$0
2028	\$0

Fiscal Analysis

The bill would establish the Law Enforcement Agency Accreditation Grant Program (Program) administered by the Comptroller, which would provide financial assistance to law enforcement agencies, including school district police departments, in order to obtain accreditation if accreditation is required under Section 1701.165, Occupations Code, and the agency employs fewer than 250 peace officers.

The bill would authorize eligible law enforcement agencies to request grant funding to reimburse an accreditation fee, or for staffing and overtime necessary to become accredited. The grant may not exceed \$30,000.

The bill would require the Comptroller to establish certain administrative procedures, including prioritizing law enforcement agencies that employ fewer than 100 peace officers, monitoring for compliance, and revoking grants awarded if the law enforcement agency is not accredited within a specified period of time.

The bill would require the Comptroller to submit an annual report before December 1st that details the name of each law enforcement agency that applied for a grant through the Program and the amount of money distributed to each law enforcement agency that received a grant through the Program.

The bill would enable the Comptroller to use any revenue available for the purposes of the Program.

The bill would require law enforcement agencies to be accredited in order to receive any grant supporting operations or equipment acquisition administered by the comptroller other than the grant program detailed by this bill.

The bill would require the Texas Commission on Law Enforcement (TCOLE) to adopt rules requiring each law enforcement agency that employs at least 20 peace officers, and school district police department of any size, to become accredited and maintain accreditation through four specified accreditation entities or any other association or organization designated by TCOLE. Law enforcement agencies that are not already accredited would be required to execute a contract with an approved accrediting entity by September 21, 2027, and become accredited by September 1, 2029.

The bill would require TCOLE to implement a program to assist law enforcement agencies in becoming accredited.

The bill would direct TCOLE to periodically review associations and organizations that establish standards of practice for law enforcement agencies and that offer accreditation to agencies that meet those standards.

The bill would require an agency that receives a grant award under the Program to submit an annual report concerning the agency's accreditation status.

The bill would require TCOLE to post a list on their website of all law enforcement agencies that are currently accredited or under contract with an accrediting entity by an entity recognized by TCOLE.

Methodology

According to the TCOLE, there are currently 954 active law enforcement agencies registered with TCOLE that match the grant eligibility criteria outlined in the bill.

Accreditation programs for law enforcement agencies tend to vary in cost depending on the size of the agency. For example, CALEA charges \$8,475 for an agency size of 1-24 employees whereas it charges \$19,950 for an agency with 1,000+ employees. It is worth noting that the accreditation fee is not the only cost involved in a law enforcement agency seeking accreditation. For example, agencies might be charged separately for on-site costs of initial assessment. Costs might also vary depending on lodging, airfare, the number of assessors utilized, and other factors specifically related to agency assessment.

The bill requires that grant money may only be used for the purposes of becoming accredited. A law enforcement agency may request grant funds for reimbursement of an accreditation fee, staff overtime, or temporary staffing necessary to become accredited.

It should be noted that the costs included as part of this fiscal note assume that all law enforcement agencies across Texas that meet the eligibility requirements of the bill would both apply for funding through the program and would each receive the maximum individual grant amount of \$30,000. It is estimated that the cost of the bill would be an estimated \$28.6 million in grant awards in fiscal year 2024. The cost of this program would be dependent on how much the Comptroller is appropriated for this program. The Senate Committee

Substitute for House Bill 1 includes \$330.8 million in the Fiscal Programs bill pattern for county law enforcement resources.

According to the Texas Commission on Law Enforcement, no significant fiscal implications are anticipated from the provisions of the bill. It is also assumed that any administrative costs incurred by the Comptroller 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.

Local Government Impact

Local law enforcement agencies with fewer than 250 peace officers would be eligible to receive up to \$30,000 to obtain accreditation.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 407 Commission on Law Enforcement, 696 Department of Criminal Justice

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