

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB839 by West (Relating to the creation of a witness protection unit within the Department of Public Safety.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB839, Committee Report 1st House, Substituted : a negative impact of (\$6,117,714) through the biennium ending August 31, 2025.

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>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$3,803,194)
2025	(\$2,314,520)
2026	(\$2,550,520)
2027	(\$2,314,520)
2028	(\$2,550,520)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$3,803,194)	14.5
2025	(\$2,314,520)	14.5
2026	(\$2,550,520)	14.5
2027	(\$2,314,520)	14.5
2028	(\$2,550,520)	14.5

Fiscal Analysis

The bill would amend the Government Code to establish a Witness Protection Unit (WPU) within the Department of Public Safety (DPS). The bill would require the WPU to provide for the relocation of a witness in a felony 1st degree or capital felony criminal case in which the witness may be subject to obstruction or retaliation. The bill would also provide for the relocation of a witness's family or closely related person if the WPU determines that the family member may be in danger because of the witness's participation in the criminal case.

The bill would require DPS to develop and provide training to prosecuting attorneys once every two years

regarding witness protection procedures and best practices.

The bill would require DPS to establish the WPU no later than March 1, 2024.

The bill would take effect September 1, 2023.

Methodology

According to the DPS, the WPU would operate at a secret clearance level to ensure the safety of protected witnesses and their families and would require 24-hour surveillance until they receive a new identity and are relocated. The agency currently provides payment to cooperating individuals for expenses they incur, including travel, moving, storage, and living costs for a stated period of time. The establishment of the WPU will expand the scope and cost of this policy.

Based on information provided by DPS, the agency would require 14.5 FTE positions to implement the provisions of the bill. This includes 8.0 Sergeants, 1.0 Captain, 1.0 Lieutenant, 1.0 Program Specialist, 1.0 Training and Development Specialist, 0.5 Police Communications Operator, 0.5 Forensic Scientist, and 1.5 Criminal Intelligence Analyst positions. The analysis includes \$1,697,013 in fiscal year 2024 and \$1,783,454 in fiscal year 2025 for salary and benefits.

The development and implementation of the training requirement for prosecuting attorneys is estimated to cost \$236,000 in fiscal year 2024.

Other costs including rent, consumables supplies, other operating expenses, and capital expenditures would total \$1,870,181 in fiscal year 2024 and \$531,066 in fiscal year 2025.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety

LBB Staff: JMc, DDeI, KFB, DA