

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 3, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1445 by Paxton (Relating to the continuation and functions of the Texas Commission on Law Enforcement.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1445, As Introduced : a negative impact of (\$4,115,212) 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	(\$2,407,114)
2025	(\$1,708,098)
2026	(\$1,710,317)
2027	(\$1,712,599)
2028	(\$1,714,951)

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	(\$2,407,114)	7.0
2025	(\$1,708,098)	7.0
2026	(\$1,710,317)	7.0
2027	(\$1,712,599)	7.0
2028	(\$1,714,951)	7.0

Fiscal Analysis

The bill would amend the Government and Occupations Codes as they relate to the continuation and functions of the Texas Commission on Law Enforcement (TCOLE). The bill would continue TCOLE for twelve years and amends statute to require TCOLE to set and enforce minimum standards for law enforcement agencies with input from an advisory committee.

The bill would remove the separation categories of honorable, general, and dishonorable from the F-5 form. The bill would require TCOLE to establish a database for law enforcement agencies to conduct reviews as part of pre-employment background checks. The bill would authorize TCOLE to temporarily suspend a license if it

finds imminent threat to public health, safety, or welfare. The bill would require TCOLE to create a public-facing, searchable database that identifies information about a peace officer's license status. The bill would authorize TCOLE to maintain confidentiality of complainants and clearly define the limited authority of TCOLE to issue administrative subpoenas. The bill would require TCOLE to establish and maintain a system for Law Enforcement Agencies to report failed fit-for-duty exams or refusals to be examined. Additionally, the bill would require TCOLE to establish advisory committees.

This bill would take effect September 1, 2023 and continues the agency for twelve years.

Methodology

Based upon the information provided by TCOLE, this analysis assumes it would require 7.0 additional FTE positions to implement the provisions of the bill including 1.0 Attorney, 1.0 Legal Assistant, 2.0 Administrative Assistants, 1.0 Legal Secretary, 1.0 Web Administrator and 1.0 Data Officer. This analysis includes a total of \$621,316 in General Revenue in fiscal year 2024 and \$656,489 in fiscal year 2025 for salary and benefits.

Other costs in fiscal year 2024 include rent, consumable supplies, other operating expenses, travel, professional services, equipment, other personnel costs, and fuels that would total \$1,785,798. Other costs for fiscal year 2025 are estimated to be \$1,051,609.

The Sunset Advisory Commission, Office of Court Administration, Office of the Attorney General, State Office of Administrative Hearings, and Department of Public Safety indicate that the costs associated with the bill's provisions could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission, 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 360 State Office of Administrative Hearings, 405 Department of Public Safety, 407 Commission on Law Enforcement

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