

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 7, 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.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1445, Committee Report 1st House, Substituted : a negative impact of (\$2,768,656) 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>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$1,490,009)
2025	(\$1,278,647)
2026	(\$1,278,647)
2027	(\$1,278,647)
2028	(\$1,278,647)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2023
2024	(\$1,490,009)	11.0
2025	(\$1,278,647)	11.0
2026	(\$1,278,647)	11.0
2027	(\$1,278,647)	11.0
2028	(\$1,278,647)	11.0

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 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 require TCOLE to request out-of-state license applicants files from the out-of-state licensing authority before issuing a license. 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 develop and maintain a system for Law Enforcement Agencies to report failed fit-for-duty exams or refusals to be examined. The bill would require TCOLE to develop a model policy for misconduct investigations and pre-hiring activities. Additionally, the bill would require TCOLE to establish advisory committees.

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

Methodology

Based upon the information provided by TCOLE, this analysis assumes it would require 11.0 additional FTE positions to implement the provisions of the bill including 1.0 Attorney, 1.0 Legal Assistant, 3.0 Investigators, 1.0 Administrative Assistants, 2.0 Information Analysts, 1.0 Database Administrator, 1.0 Network Specialist and 1.0 Auditor. This analysis includes a total of \$1,028,149 in General Revenue in fiscal year 2024 and \$1,082,721 in fiscal year 2025 for salary and benefits.

Other costs in fiscal year 2024 include rent, consumable supplies, other operating expenses, travel, equipment, other personnel costs, and fuels that would total \$413,460. Other costs for fiscal year 2025 are estimated to be \$174,126.

The 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.

Technology

This analysis includes \$48,400 in fiscal year 2024 and \$21,800 in fiscal year 2025 for ongoing software and subscriptions.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission, 302 Office of the Attorney General, 360 State Office of Administrative Hearings, 405 Department of Public Safety, 407 Commission on Law Enforcement, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

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